

SPECIAL REPORT: BUSH'S SECRET GOVERNMENT

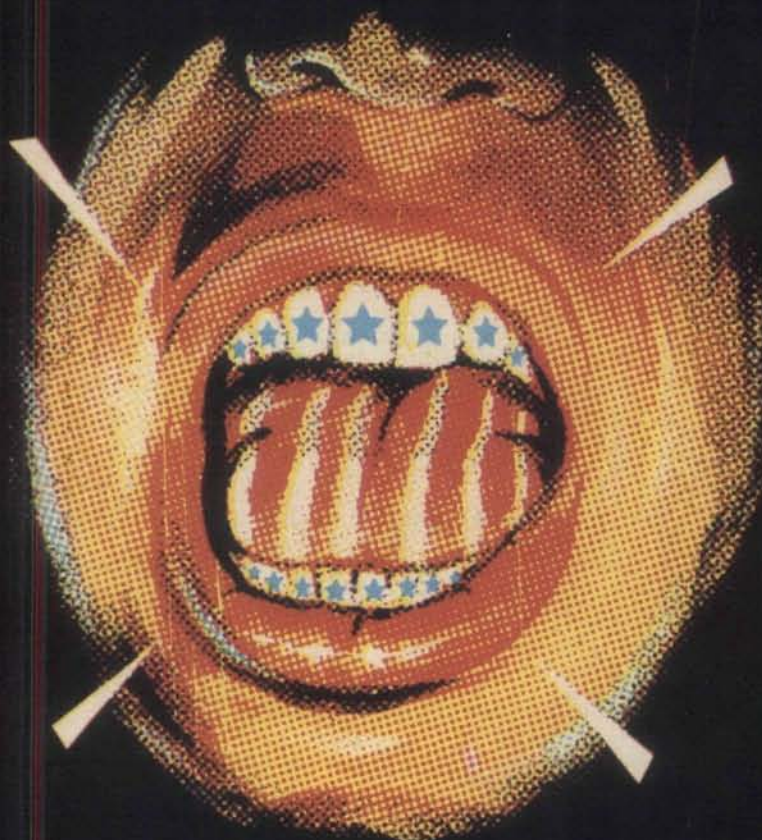
# THE AMERICAN PROSPECT

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SEPTEMBER 2003

## How Republicans Hijack Language

GEORGE LAKOFF · DEBORAH TANNEN



## Can Democrats Win the American?

by GEOFFREY NUNBERG

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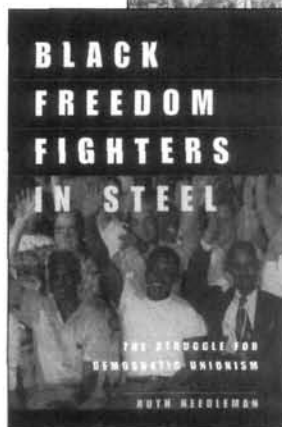
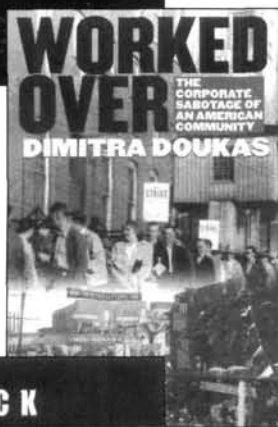
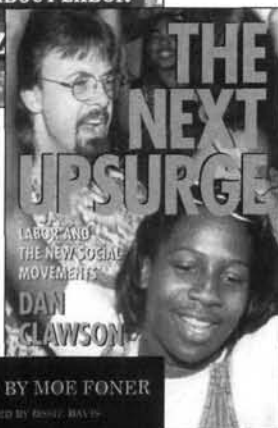
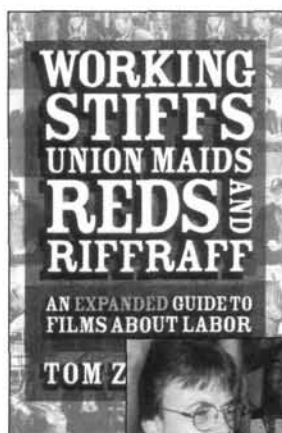


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Moe Foner  
with Dan North

Foreword by Ossie Davis

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# THE AMERICAN PROSPECT



*"There's no more impressive example of using language to alter substance than the right's success in turning liberal into a disparaging word." PAGE 36*

## Contents

SEPTEMBER 2003 • NUMBER 8 • VOLUME 14

### DEPARTMENTS

- 3 EDITORIAL: LANGUAGE AND LEADERSHIP
- 4 CORRESPONDENCE
- 6 DEVIL IN THE DETAILS
- 11 DRAWING BOARD By Tom Tomorrow

### COLUMNS

- 12 BELOW THE BELTWAY  
Strategic Disinformation By John B. Judis
- 20 COMMENT  
Mothers Most Vulnerable By Ann Crittenden
- 21 THE TAXONOMIST  
Obscene Phone Call By Robert S. McIntyre
- 64 THE LAST WORD  
The Permanent Election By Robert B. Reich

### DISPATCHES

- 15 NUCLEAR WAL-MART?  
Bush's foreign-policy disaster in North Korea  
By Ivo H. Daalder and James M. Lindsay
- 16 OVERPAYING THE PENTAGON  
How we can meet our security needs for less than \$500 billion  
By Lawrence J. Korb
- 18 REMEMBER THE MAINE  
A small state casts fear in the heart of Big Pharma  
By Chris Mooney

### SPECIAL REPORT

- 43 TAKING LIBERTY  
The administration's obsession with secrecy  
Articles by John Podesta, Michael Tomasky, David Cole  
and Alex Gourevitch

### FEATURES

- 22 TALKING AMERICAN  
The crucial first step in taking back the White House  
By David Kusnet
- 26 CLASS AND WARFARE  
Democrats and the rhetoric of patriotism  
By Andrew Levison
- 29 LET THEM EAT WORDS  
Linguistic lessons from Republican master strategist Frank Luntz  
By Deborah Tannen
- 32 FRAMING THE DEMS  
How conservatives control political debate and how progressives can take it back  
By George Lakoff
- 36 THE LIBERAL LABEL  
The substance is alive and well, but the brand is in trouble.  
By Geoffrey Nunberg
- 39 ORGANIZE OR DIE  
Three progressive union presidents—with some surprising allies—are out to transform American labor.  
By Harold Meyerson

### CURRENTS

- 55 MEDIA: SIGNS OF A PULSE  
The press is starting to take on Bush—finally.  
By Todd Gitlin
- 57 FILM: THE KING AND THAI  
A contested history gets the royal treatment.  
By Noy Thrupkaew
- 59 BOOKS  
Thomas Byrne Edsall on *Selling Out: How Big Corporate Money Buys Elections, Rams Through Legislation and Betrays Our Democracy* by Mark Green and *Campaign Finance Reform and the Future of the Democratic Party* by Jerrold E. Schneider; Alexander Nehamas on *Regarding the Pain of Others* by Susan Sontag

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# Language and Leadership

Ever since George W. Bush took office, we have marveled at his ability to speak as a moderate, govern as a radical, and not be held accountable by the press or the voters. Democrats, meanwhile, have struggled to find their voice. In this issue of

the *Prospect*, in the centennial year of George Orwell's birth, we address the enduring question of politics and language, newly relevant in the era of Bush. We asked three distinguished linguists (Deborah Tannen, Geoffrey Nunberg and George Lakoff) to examine how Republicans twist language, and we invited an expert on social class and politics (Andrew Levison), as well as President Clinton's former speechwriter (David Kusnet), to address the Democrats' speech pathologies.

Then, right at press time, something surprising happened. A Democratic politician delivered a potent speech that summed up the case against Bush with simple eloquence. The speech connected Bush's far-flung deceptions, forcefully and without being shrill. It modeled for Democratic candidates how to narrate Bush's liabilities as a leader. It was probably the best opposition speech since January 2001.

The unlikely orator was Al Gore.

THE SPEECH, DELIVERED AUG. 7 AT NEW YORK UNIVERSITY to College Democrats and co-sponsored by MoveOn.org, enumerated what Gore politely termed the false impressions behind the rush to war with Iraq: that Saddam Hussein was partly responsible for the September 11 attacks; that he was working closely with Osama bin Laden, and on the verge of developing chemical, biological and nuclear weapons; that our GIs would be welcomed as liberators; that the rest of the world would soon fall in line.

"Now, of course, everybody knows that every single of these impressions was just dead wrong," Gore said. He went on to rebut parallel "mistaken assumptions" about the economy, that "the tax cuts would unleash a lot of new investment that would create lots of new jobs ... and 'most of the benefits would go to average middle-income families;' that new growth would spare us new deficits.

"Here, too," Gore said, "every single one of these impressions turned out to be wrong." Gore built slowly and systematically to the source of these "mistaken assumptions": George W. Bush. The president's "selective use of the best evidence" on Iraq is of a piece with "the way he intentionally distorted the best available evidence on climate change," and "rejected the best available evidence" on the economy, Gore concluded. His particulars added up to one common theme and the president's Achilles' heel: Bush is simply not to be trusted.

The full speech is posted on the *Prospect's* Web site at [www.prospect.org](http://www.prospect.org).

WHO HAD WRITTEN THIS SPEECH? WE KNOW THAT George W. Bush, speaking off the cuff, is painfully clumsy whenever he tries to articulate more than two unscripted sentences. Bush's eloquence on formal occasions is a tribute to the strategic genius of Karl Rove coupled with the elegant phrasing of chief speechwriter Michael Gerson. This team could make a trained monkey sound like Churchill. Where had Al Gore, who repeatedly stumbled in 2000 campaign speeches, found such a craftsman?

A little telephone reporting revealed a second surprise. The author was Gore himself. Gore currently has no political staff. True to his history as a onetime journalist and lifelong policy junkie, Gore spent several weeks puzzling out how Bush was getting away with it; then Gore put all the pieces together. Indeed, the speech does not read like anything written by a speechwriter. It has no applause lines, no cadence, no slogans—just a systematic and devastating indictment.

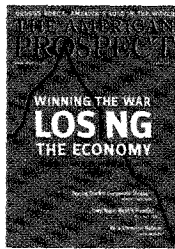
Imagine what life has been like for Gore these last 32 months. Contemplating the stolen 2000 election (which he should have won going away), Gore must be reliving something akin to the immortal *Saturday Night Live* sketch from 1988 that showed Bush I (played by Dana Carvey) bumbling his way to victory while a cerebral Michael Dukakis (Jon Lovitz) says "I can't believe I'm losing to this guy."

Gore, according to friends, wanted both to get his mind around Bush's game and make it safer for the Democratic field to be more aggressive and comprehensive. As a non-candidate, Gore could take risks that a candidate might shun. Even his body language suggested a new level of comfort in his own skin.

In this speech, Gore attained much that eluded him in the 2000 campaign: dignity, humility, authenticity, authority, even real eloquence. By exposing the lies in the Bush presidency and modeling constructive opposition for the Democratic field without upstaging it, maybe Gore will achieve something redemptive.

It is difficult for a defeated presidential candidate (or even a former president) to devise a constructive public role, though ex-politicians as diverse as Jimmy Carter, Michael Dukakis and Richard Nixon have managed it. It may be too late for Gore to be elected president, but not too late to inspire his party and the voters. In the end, effective political language is less about rhetoric than about leadership.

—ROBERT KUTTNER



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## Correspondence

### Immigrants in the New Economy

THE VARIOUS ARTICLES in your special report ["Immigrants in the New Economy," July/August 2003] appear to share a common assumption that labor as a commodity should be free to cross borders without penalty, just as any other commodity subject to the rules of NAFTA is. The fact that immigrants are regarded somewhat differently from other commodities in American public policy is considered something of a contradiction. The argument continues: Not only is there a contradiction here but, in view of the fact that immigrants are a part of the American labor force, denying immigrants the rights of American citizens, including the right to vote, detracts from the power of labor in the political process. All immigrants, then, whether legal or illegal, should have the same rights as American citizens, including the right to vote.

There are several difficulties with this reasoning. Nowhere in any of the articles is there any consideration of the possibility that uncontrolled immigration might be harmful to our society in general or to the body politic in particular. In such a case, concern for control of immigration would not only not be a real con-

tradiction with favoring the free flow of other commodities across borders, it would be entirely justified.

Failing to consider any of these issues in your special report is a glaring omission. Control of immigration and public policy concerning immigration and immigrants should be determined by consideration of noneconomic in addition to economic factors. The interests of all citizens are involved—not just those of corporations and corporate labor.

HAROLD J. ALLEN  
*Professor Emeritus,  
Department of Philosophy,  
Adelphi University  
Garden City, NY*

### Youth Hostile

AS A 17-YEAR-OLD LIBERAL Democrat, I found Danny Goldberg's "Youth Hostile" [July/August] article inconsistent with my experience as part of today's youth. Most of my friends—both liberal and conservative—either voted in the last election or will vote in the next one when they reach legal voting age. Those who did not vote, however, abstained not because candidates were out of touch with popular culture, as Goldberg asserts, but out of voter apathy or because the candidates did not focus on issues important to them.

Goldberg notes the obsessive focus on Social Security

and Medicare, but clearly this is a broader issue that demands greater attention. Getting kids today to vote means paying attention to their issues, with or without the lens of popular culture. Specifically, Democratic candidates should focus on the costs of college, on drug laws and on helping youth to find jobs.

DYLAN KEENAN  
*Overland Park, KS*

### The Demo Derby

DID RONALD REAGAN, IN 1966, call "for a Republican Eleventh Commandant: 'Thou shall not speak ill of any fellow Republican'?" ["The Demo Derby," July/August] No, he didn't. That famous proclamation was issued by California's capable Republican Party Chairman Gaylord Parkinson in 1965.

Although Reagan endorsed it, he frequently failed to adhere to it, most famously in his blowup against his primary opponent, George Christopher, in the 1966 gubernatorial campaign. He also filled the air with curse words against Republican moderate State Controller Houston Flournoy and U.S. senatorial candidate Norton Simon on at least two occasions.

Reagan's relations with Republican moderates in the legislature, such as John Veneman, William Bagley and Assembly Speaker Robert Monagan,

were often hostile, and his ineptitude in the legislative sessions of 1969 and 1970, as well as his mismanagement of the legislative election campaign in 1970, resulted in his party's losing control of the legislature, which it had won in 1968. Except for the years 1995 and 1996, the Republicans have been a minority party there ever since.

Although Reagan successfully used the California Republican Party as a vehicle for his personal political advancement, his actions were the kiss of death for the party otherwise. Let's not present him as a model for Democrats to follow in the impending presidential campaign.

JACKSON K. PUTNAM  
*Professor of History  
Emeritus, California  
State University  
Fullerton, CA*

### How NAFTA Failed Mexico

THE EXCELLENT ARTICLE by Jeff Faux ["How NAFTA Failed Mexico," July/August] brings out many points that apply equally to the United States.

Mexican farmers were told that "generous financial and technical assistance would enable small farms to increase their productivity in order to meet the new competition" as tariffs on U.S. agriculture products fell; instead,



farm-program funding dropped from \$2 billion to \$500 million in a six-year period. In the United States, farm subsidies have dropped, farms are being bought up by big business, and we are importing more and more food.

Faux states that the "hope that NAFTA would enable Mexico to export its way to prosperity has largely vanished." In the United States, trade has increased, but the wrong way: We are now running a record trade deficit with Mexico. A number of our major corporations have moved their operations to other countries with cheap labor, leaving the United States with millions of unemployed people.

The author also states that "the gap between Mexico's rich and poor is among the worst in the Western Hemisphere. The rich hardly pay any taxes." In the United States, the 400 wealthiest people control 1 percent of the country's economy; recent large tax cuts for the wealthy are going to increase that percentage, and the gap between rich and poor will widen. Many of our large corporations have moved their operations overseas or have sheltered offshore tax havens. Without the taxes of the wealthy and the corporations, more and more of the burden of providing even the minimum of what the country needs

will fall on the poor and the middle class.

As Faux concludes, if NAFTA isn't working in Mexico, it is unlikely to work anywhere. It certainly isn't working in the United States.

PATRICIA M. KOSTER  
Williston, FL

## W.'s Christian Nation

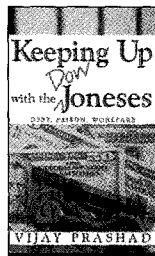
ALTHOUGH CHRIS MOONEY ["W.'s Christian Nation," June] offers an important and timely description of President George W. Bush's role in the Christian right's effort to erode the separation between church and state, his analysis conflates the terms "Christian right" and "religion." This simplification reinforces a popular stereotype of "religious right" and "secular left" that does not reflect the diversity of political directions many religious people take.

According to this popular stereotype, the National Council of Churches' vocal and public opposition to the Iraq War must have seemed anomalous. While the Christian right bears the brunt of responsibility for maintaining this stereotype, accepting the mapping of the religious right and the secular left stands in the way of building progressive coalitions across religious lines.

DIRK VON DER HORST  
Long Beach, CA

## Keeping Up With the Dow Joneses

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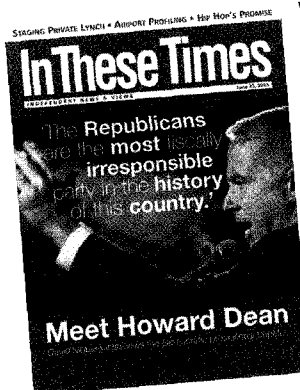
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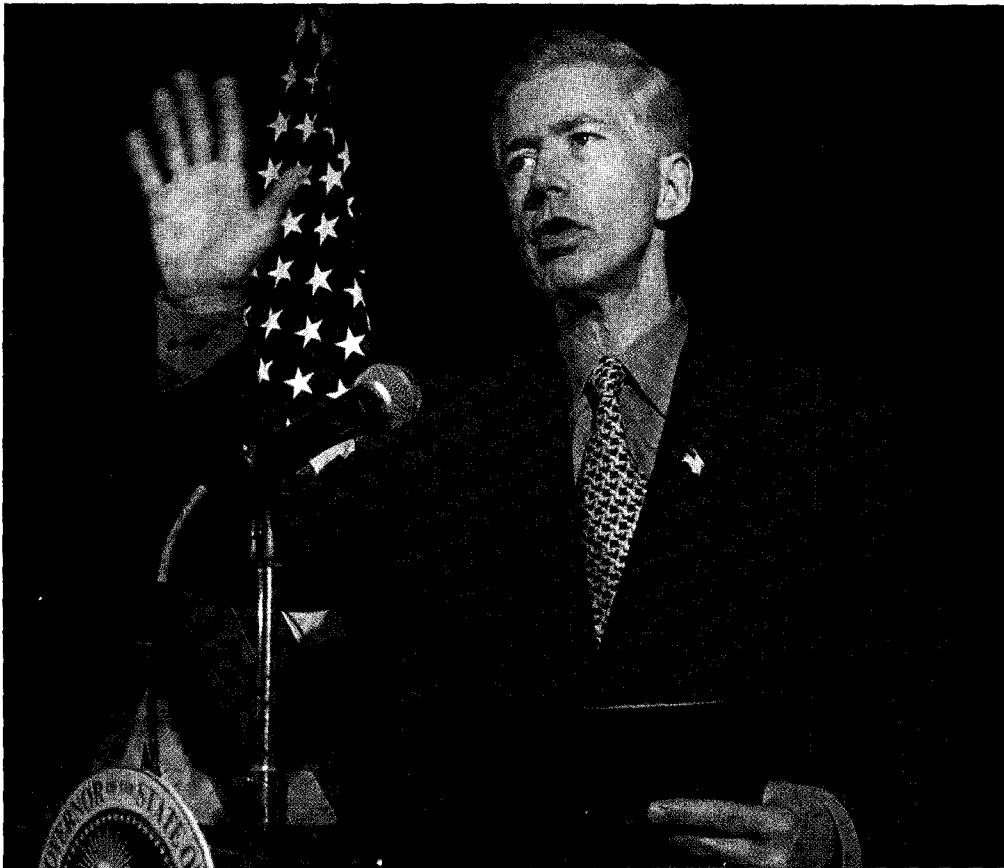


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# Devil in the



One at a time! Let's not all recall me at once!

## Recall at Your Peril

OF ALL THE FORMS OF social chaos for which California is justly famed—riots, murders, gang wars—the state's most distinctive upheavals are those that bubble up from the white middle class on election day. They've included everything from term limits to tax revolts, and now the mother of all direct-democracy circuses.

It's a better than even bet

that Gray Davis will be thrown out on Oct. 7, and that his successor will be elected by less than 20 percent of the voters. If so, the next governor of California will likely be either Arnold Schwarzenegger or lackluster Democratic Lt. Gov. Cruz Bustamante. The Democrats have some absolutely sterling statewide officials who've planned to run for governor in 2006, most no-

tably state Treasurer Phil Angelides and Attorney General Bill Lockyer. But the A-team is on the bench this time around, sensing, perhaps, that this was an election in which every candidate would emerge from the process the size of Gary Coleman.

But one Democrat needed to be on the second half of the ballot, and since Dianne Feinstein wasn't available,

the state's Democratic congressional delegation settled on Bustamante, one of the dimmer stars in California's political firmament. Bustamante has no notable achievements he can point to from his years in the legislature or as the state's No. 2 official, and two major liabilities: He's heavily reliant on Indian casinos to finance his campaign and he's had a frayed relationship with some of the state's key unions, notably the Hotel Employees, who want to organize the casinos, and the Farm Workers, who are the adversaries of Bustamante's agribusiness chums.

These unions mobilize Latino voters, especially in Los Angeles. Bustamante may have a Spanish surname, but Hispanic voters are increasingly sophisticated. If the L.A. Federation of Labor does not go all out for him, his name will not count for much. After trying to keep all prominent Democrats out of the race, the California Labor Federation will convene on Aug. 26 to decide if its money is better spent on defeating the recall (an option leading by 54 percent to 35 percent in a recent *Time/CNN* Poll) or electing Bustamante (trailing Arnold by 10 percent in the same poll).

The case for Bustamante this October is pretty much what the case for Gray

LUCY NICHOLSON/REUTERS/ANDOV



# Details

*"I think all foreigners should stop interfering in the internal affairs of Iraq."*

—DEPUTY DEFENSE SECRETARY PAUL WOLFOWITZ  
on Arab opponents of the new regime and U.S. occupation

Davis was last November: For all his limitations, a Gov. Bustamante would still sign, as Davis has, much of the groundbreaking legislation that the progressive-dominated legislature sends his way. There is, of course, a genuine progressive on the ballot, Arianna Huffington, but that same *Time/CNN* Poll has her back in the pack at 4 percent, tied for fifth with Peter Ueberroth and Larry Flynt. Huffington told friends and supporters early on that she didn't want to play the role of a Nader-esque spoiler, but that's the role she's now perfectly positioned to play.

That *Time/CNN* Poll put Bustamante at 15 percent to The Terminator's 25 percent, with the two GOP right-wingers, state Sen. Tom McClintock and Didn't-You-Just-Lose? Bill Simon, at 9 percent and 7 percent, respectively. Looking at these numbers and given the state's Democratic tilt, Bustamante clearly has the greatest potential for growth. Schwarzenegger, meanwhile, is just one of four prominent Republicans in the field, perfectly positioned to lose votes to his right when he says something moderate and to his left when he says something conservative.

Bustamante may have caught an odd break when Schwarzenegger announced

that Pete Wilson, the former governor, will chair his campaign. Wilson may help Arnold win more Republican votes, but he may also help Bustamante turn out Latinos, who still hate Wilson for his support of 1994's Proposition 187, which would have denied public services—including the right to attend school—to illegal immigrants and their children.

Schwarzenegger advertises himself as an immigrant success story, but whether his story will resonate with the bulk of California's immigrants—overwhelmingly Latino, poor, Democratic, and backers of unions and big government—is another question altogether. It certainly doesn't help that Arnold himself voted in favor of Prop. 187. Time was when leaders of California's white middle-class revolts didn't have to concern themselves with nonwhite voter turnout, but those days are passing.

## Shilling for Saudis

AMID THE CONTROVERSY over George W. Bush's 16 deceitful words in his State of the Union address, the larger issue—of how almost everything the administration had said about the threat that prewar Iraq

posed to the United States was false—has largely been lost. In particular, the president, vice president, secretary of defense and their neocon eggheads repeatedly asserted that there was a link between Saddam Hussein's regime and al-Qaeda, though no credible evidence existed then or now that such was the case.

There is credible evidence, however, of links between al-Qaeda and the Saudi Arabian regime—credible enough to have been spelled out in the recently released congress-

sional report on the failures of intelligence and policing that contributed to the September 11 attacks, and damaging enough for the administration to have suppressed the 27 pages of the 900-page report that detailed the Saudi connection.

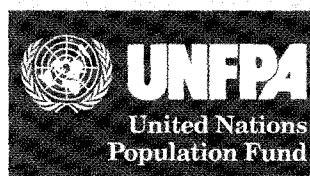
According to a number of officials who have read the study and discussed its contents with the *Los Angeles Times* and other leading newspapers, the report documents links between Saudis thought to be intelligence agents and two of the

## WHILE YOU WERE SLEEPING



What with the ongoing war in Iraq and the California recall circus, you may have missed the latest round of anti-abortion politicking. George W. Bush has the authority, under a 1985 law, to block funds for any program he deems a "coercive population program." In May, House Democrats amended in committee a State Department bill to require actual proof—something Bush is clearly not a fan of—that programs en-

gage in such activities before they're denied funds. House conservatives killed the amendment in July, and with it went a proposed \$50 million for the United Nations Population Fund. Now Republicans are



saddling up for a fight over the Unborn Victims of Violence Act, which could come up for a September vote. Under the guise of protecting citizens from violent crime, the bill would give legal protections to fetuses. As anti-abortion strategist Samuel Casey, executive director of the Christian Legal Society, explained it to the *Los Angeles Times* in January, "In as many areas as we can, we want to put on the books that the embryo is a person. That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection—even protection that would trump a woman's interest in terminating a pregnancy."

## BRAVE NEW WORDS

**WEAPONS OF MASS DESTRUCTION** Methamphetamines, according to a North Carolina county prosecutor, who is charging a man caught making the stuff with two counts of manufacturing a nuclear or chemical weapon.

**HATE SPEECH** In Iraq's fledgling "free" news media, any news coverage that doesn't please L. Paul Bremer III.

**STATIC POSITIONS** Military term for the security duties (as opposed to mobile patrols) of many American troops in Iraq. Also may be applied in a more long-term sense in response to questions of how soon they'll be coming home.

9-11 hijackers. It also details how Saudi charities, with government support, provided funding for al-Qaeda in a number of Western nations.

The suppressed pages are causing such a furor that the administration may be compelled to un-suppress them, or they may just find their way into the newspapers despite White House efforts to censor them. And while we weary of pointing out yet another of this administration's

double standards—does this administration have any standards that aren't double?—the contrast between its zeal in touting Iraq's nonexistent links to al-Qaeda and its abhorrence at even mentioning the Saudis' documented links is glaring.

At bottom the Bush administration is a Texas oil administration, and it has already evaded one Texas energy scandal—its connections to Enron—that was lapping at its door. But

Texas oil is also the one part of the American power structure with the closest ties to the Saudi regime, so the potential for a Texas-size oil spill engulfing the White House is with us still. The very suppression of the pages is a bit of a scandal in itself. To what lengths are the Bushies willing to go, and to what degree will they compromise American national security, to placate their Saudi compadres?

## Lonely in Iraq

HOW MANY LIVES OF American soldiers is the administration willing to sacrifice on the altar of its unilateralism?

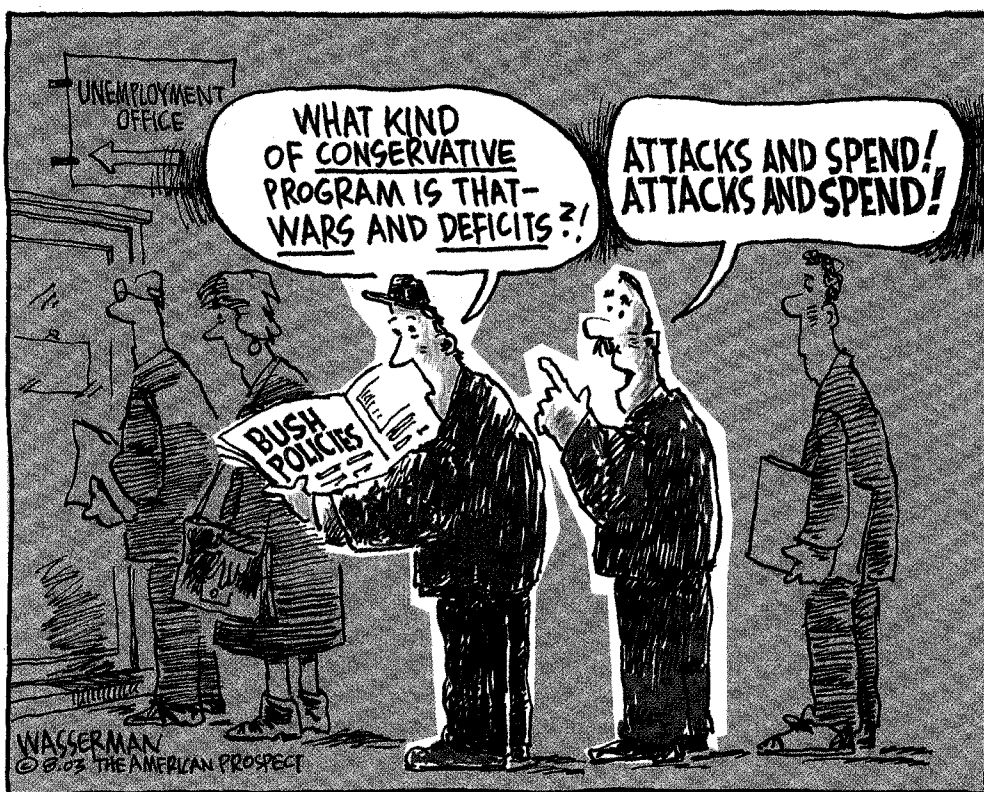
Maybe a soldier a day is a politically acceptable rate for George W. Bush. It's not quite high enough to rise to the level of a political crisis that might force him to abandon his aversion to letting the United Nations, and its member nations,

take a real role in reconstructing Iraq.

The \$4 billion monthly bill to the taxpayers may be harder to get around, though. Even members of Bush's own party seem vexed by that, particularly since no one has come up with a compelling reason why that figure will diminish over time.

But the price of getting French and German euros in lieu of dollars is that they'll have to be doled out by the United Nations or the World Bank or some international institution. The price for getting Indian soldiers to patrol the streets of Baghdad is that they'll have to answer to some UN-sanctioned authority, even if that authority is still the commanding U.S. general. In other words, the price for reducing the toll that the occupation is taking on American funds and lives is that George W. Bush will have to go to the United Nations and seek its approval for a somewhat new and certainly improved occupation. It would mean that he'd have to acknowledge that we can't run the world by ourselves, that we need the French and the Germans after all, and that those Democrat appeasers (and even Dick Lugar) were right when they said we couldn't do without allies. All unpleasant facts in themselves, and more unpleasant still when acknowledging them means Bush having to admit that he was wrong.

It's not that we haven't asked our citizens to pay more and risk their lives at many previous instances in our history. We asked hundreds of thousands of Americans to lay down their lives to rid the land of slavery, and thousands





more to sacrifice themselves to defeat fascism and communism. There's no way that Bush is asking for sacrifices in comparable numbers today.

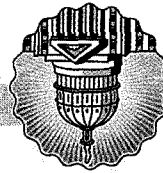
And yet if the number of lives is small, the principle to which they're sacrificed is smaller still. So the question remains: How many lives are worth losing to uphold the president's xenophobia?

## Wired but Weird

LET YOUR MIND GO BACK in time, back to the unfathomably distant past—back, say, two and a half years ago. It was a different world then, but Mark Penn, the



## HEROES & ZEROES



### THE KILLER DS

Texas Democratic lawmakers head to New Mexico to stall unfair redistricting legislation—again

### GOV. BILL RICHARDSON

Protects the Killer Ds from bounty hunters; snags chair of 2004 Dem convention

### DARRELL ISSA

A recall instigator's career: First the car-theft arrests, now hit and run

### JOHN ASHCROFT

Justice Department to compile blacklist of judges objecting to mandatory minimum sentences

Democratic Leadership Council's (DLC) redoubtable pollster, had it all down cold.

The reason the Democrats lost the 2000 election, Penn argued, was that they'd failed to win the support of "wired workers." This was Penn's shorthand for workers in the new economy, who routinely went online with no

trepidation and for whom Al Gore's old-style populism had little to offer. Never mind that Gore carried nearly every state with a significant concentration of wired workers, or that he lost such long-time Democratic states as West Virginia, where wired workers are few and far between. The data haven't been adduced that can stop Mark Penn from generalizing.

But that, as they say, was then. Today, Penn—who now polls not only for the DLC but for Joe Lieberman's presidential campaign as well—has a different view of the Democrats' dilemma, and it is that the anti-war, liberal Democrats flocking to Howard Dean's column will be the death of the party yet.

Now, wait a minute. All those tens of thousands of Deaniacs who found one another through MeetUp.com and who gave Dean money through MoveOn.org—what are they if not wired workers, a new constituency that Democrats had not hitherto tapped? MoveOn even originated with some Silicon Valley entrepreneurs who got rich through the sale of their screen savers. Isn't the mobilization of wired workers for a Democratic candidate precisely what Penn hoped for a scant two

years ago?

Apparently not. Apparently Penn meant wired workers who backed the war in Iraq and don't question the Bush administration's case for the war even now. Wired workers who support Joe Lieberman's candidacy. Culturally conservative wired workers who download songs off the Internet but don't play them because they have dirty lyrics. *Those* wired workers. The key to the Democrats' future. All eight of 'em.

## From's Last Stand

BY GARANCE FRANKE-RUTA

AL FROM IS QUIVERING with rage. It's the end of a long day in late July at the Wyndham Philadelphia, and with a sheen of sweat coating his face, he gleams with emotion as he launches into the closing speech of the day at the DLC's annual conference. It's a grim speech, delivered in rousing, impassioned tones more vehement than any other speech that day. "We cannot allow our party to be hijacked!" thunders From, railing against the leftists who have been his *bête noire* since he founded the DLC in 1985. "The future of our party and more importantly the future of our country is at stake."

Surrounded by supportive state senators and fresh-faced New Democratic governors, From, CEO of the DLC, is in his element. His anger has been foreshadowed by other discouraging conference speakers, whom *The New York Times* found "glum," "combative" and tending toward "pessimism"



## VAST RIGHT-WING CONSPIRACY

In April 2001, the *Prospect* reported that the DLC's magazine, *Blueprint*, was single-handedly financed by Loral Space & Communications Chairman and CEO Bernard L. Schwartz. "I sought them out," Schwartz told the *Prospect*. "I like them because the DLC gives resonance to positions on issues that perhaps candidates cannot commit to."

Recently the DLC and its magazine (still principally financed by Loral) have taken the lead in bashing Democrats who opposed the war in Iraq. Now it turns out that Loral, a satellite company, has

business ties with some of the most controversial neoconservative foreign-policy thinkers in the Bush administration.

In January 2001, Schwartz, according to *The New York Times*, retained Richard Perle to represent Loral during its ongoing efforts to settle a 1997 finding by the Pentagon that Loral had im-



Schwartz: Neo-friendly

properly given sensitive missile technologies to China. Perle continued advocating for Loral even after being appointed chairman of the Pentagon's Defense Policy Board later that year. The board was one of the strongest advocates for the war in Iraq.

Other administration officials with ties to Loral include Undersecretary of Defense Douglas Feith, who lobbied Congress on behalf of Loral in 1998, and retired Lt. Gen. Jay Garner, briefly the civilian administrator in Iraq, who worked for Loral spin-off L-3 Communications. L-3 has been awarded U.S. government contracts in both Afghanistan and Iraq.

and *The Washington Post* dubbed “defensive” and “gloomy.” “What we’re fighting for is the definition of the party,” From later told *The Philadelphia Inquirer*. “And this is probably the most bitter fighting—or maybe intense is a better word—in nearly 20 years. But it’s because the left wants to go back to the way things used to be.”

Whether the left is truly trying to drag the party back in time is a matter of heated dispute in Washington. What’s clear is that after two decades at the pinnacle of the Washington power hierarchy, From’s ideas have triumphed beyond his wildest dreams, and the central role he’s played as a policy entrepreneur in the 1990s is unquestioned. But by publicly involving the DLC in an increasingly nasty battle with Howard Dean, From is causing some of his erstwhile allies to wonder if he’s finally lost his touch.

CHATTER AMONG PRESIDENTIAL campaign staffers in the weeks since the DLC conference suggests that From’s grip on the younger generation of his ideological compatriots is weakening. “I don’t think anyone thinks of From as a leader,” says one senior aide to a presidential candidate regularly praised by DLC heavyweights. “People don’t like Al From,” remarks a campaign operative with a different DLC-backed presidential candidate. “People like [DLC President] Bruce [Reed].” Adds an aide to a third DLC-supported candidate, “I think they’ve gone out of their way to pick a fight with Dean to satisfy their need to stay relevant.”

Those are surprising

words from people whose candidates’ might be expected to benefit from From’s harsh talk and the DLC’s now 4-month-old “Stop Dean” campaign. But an increasing number of Democratic elected officials, consultants and campaign operatives are beginning to suggest that the DLC’s campaign against Dean involves a fundamental misreading of today’s political environment. In *Newsweek*, James



Al From (center): yesterday’s bad news

Carville advised Democrats to “give [Dean] a chance” and challenged the DLC take that an anti-war candidate is unelectable. “It’s not if you’re against the war that matters,” he said. “It’s how and why you’re against the war.” At the DLC forum, Pennsylvania Gov. Ed Rendell cautioned against “name calling.” Washington state Rep. Laura Ruderman, a John Kerry supporter, rose with dismay at the conference to decry the “rat hole” into which the DLC-Dean conflict was dragging the party. “Quite frankly, it’s the kind of eating each other alive that drove Jim Jeffords out of the Repub-

lican Party,” she said. Perhaps the most unexpected salvo came in early August during Al Gore’s speech to the online activist group MoveOn.org. Simply speaking to the anti-Iraq War group was an affront to the DLC, and in his remarks, Gore called for Democrats to respect dissent and questioning of the war, a position From and Reed have decried as “weakness abroad.”

THE BATTLE FOR THE SOUL of the Democratic Party is not confined to the DLC versus Dean contest. An apparent schism between different generations of New Democrats—between those whose defining political experiences occurred in the 1970s and those shaped by the battles of the ’90s—has been developing for some time. And that leaves some strategists coming to some very non-DLCish conclusions about the current political environment.

“If there is an appetite for change in the country in 2004, that appetite is going to be satisfied by people who draw sharp distinctions

and offer a fundamentally different vision of the direction of the country,” says Michael Feldman, a principal with the Glover Park Group and former Gore adviser who acted as the former veep’s spokesman for the MoveOn.org speech. Kenneth Baer, a Gore presidential-campaign speechwriter and author of *Reinventing Democrats*, a history of the DLC, observes that “someone who wouldn’t want to be charitable to Al From would say he hasn’t changed with the times.”

The ability to change with the times is especially important to the younger generation, whose leaders regularly remind party regulars that the future is more important than the past. “We’re looking forward and we’re not trying to fight old battles,” says Simon Rosenberg, president and founder of the New Democrat Network, a political action committee founded in 1996 to elect centrist Democrats. “Saying, ‘This is like ’68, like ’72’—all of that is irrelevant. We are in a different era. We are in a post-9-11 era, a post-Reagan era. ... We’re in an unsettled time, which is good, because I think it’s a time of regeneration. What’s not going to happen is a restoration of the old order.”

“Al From is somebody who has done a huge amount of good and changed the face of American politics as much as anybody outside of elected office over the course of the last 25 years,” says another longtime DLCer. “You can’t walk away from his accomplishments.” But “at this point, he and the DLC are more trying to re-create the past in terms of battles and achievements rather than look at the landscape as it is now.” ■

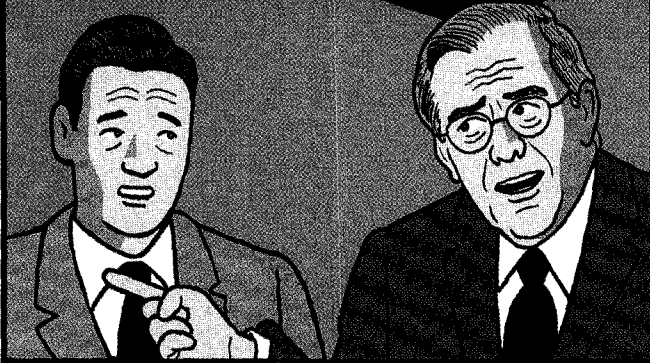


IT'S TIME FOR ANOTHER EXCITING EPISODE OF...  
**WEAPONS OF MASS DISTRACTION**  
 FEATURING YOUR HOST, DAZZLIN' DON RUMSFELD!

SAY, DAZZLIN' DON--  
 WASN'T CATCHING  
**OSAMA BIN LADEN**  
 SUPPOSED TO BE THE  
 ADMINISTRATION'S **TOP**  
**PRIORITY?**

ER, YES, WELL--

HEY, LOOK OVER  
**THERE!** ARE THOSE  
 SOME OF SADDAM'S  
**BIOLOGICAL AND**  
**CHEMICAL WEAP-**  
**ONS?!**



HEY, DAZZLIN' DON!  
 DID THE ADMINISTRATION  
**LIE** ABOUT IRAQ  
 BUYING URANIUM FROM  
 NIGER IN ORDER TO  
 PUMP UP SUPPORT FOR  
 THE **WAR?**

WELL, YOU SEE--

HEY, WILLYA LOOK  
 AT THOSE IRAQI  
 CROWDS CELEBRATING  
 THEIR **LIBERATION?!**



I'VE BEEN WONDER-  
 ING, DAZZLIN' DON--  
 HOW MUCH IS THE  
 RECONSTRUCTION OF  
 IRAQ GOING TO COST  
 AMERICAN TAXPAYERS?

WELL, GOLLY, THAT'S  
 A GOOD QUESTION--

SAY! DIDJA HEAR  
 ABOUT THE THREAT  
**IRAN** POSES? NOT  
 TO MENTION **SYRIA?**

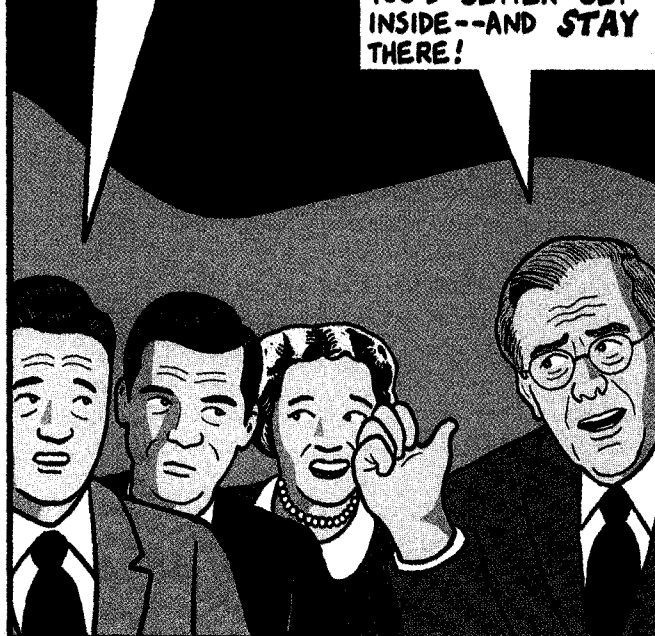


I DON'T  
 SEE ANY--

BUT DAZZLIN' DON--  
 DON'T WE NEED TO  
 FINISH UP IN IRAQ  
 AND AFGHANISTAN BE-  
 FORE WE GET INVOLVED  
 ANYWHERE **ELSE?**

WELL, YES, BUT--  
**WHOA! LOOK OUT!**  
 I THINK THAT GUY  
 BACK THERE IS A  
**TERRORIST!**

YOU'D BETTER GET  
 INSIDE--AND **STAY**  
 THERE!



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# Strategic Disinformation

BY JOHN B. JUDIS

In February 2002, *The New York Times* revealed that the Pentagon was launching a new Office of Strategic Influence to “provide news items, possibly even false ones, to foreign media organizations.” The story caused an outcry, and the Pentagon announced it was

abandoning the new office. But Secretary of Defense Donald Rumsfeld and Undersecretary of Defense Douglas Feith, who would have been in charge of the new office, indicated that the Pentagon would not rule out some kind of disinformation project. In a press conference Nov. 18, Rumsfeld, when asked about the office, said, “You can have the name, but I’m gonna keep doing every single thing that needs to be done—and I have.”

During this year’s buildup to the war with Iraq, and during the war itself, several stories appeared that had the earmarks of government disinformation. They were attributed to “U.S. intelligence officials,” “intelligence sources,” “defense officials” or “officials familiar with intelligence reports,” which could include officials from the Pentagon, the Department of State and the White House, as well as the CIA. Unlike classic leaks, though, they did not reveal hidden truths that the administration wanted to cover up. Instead, they consisted of highly inflammatory but very dubious charges against countries with which the United States was quarreling over the Iraq War. They appeared first in American publications but were widely circulated overseas.

Most of these stories first appeared in the conservative *Washington Times* and were written by Bill Gertz. Gertz is controversial, but he has had his share of scoops. Last year he published a book, *Breakdown*, on the failure of American intelligence to anticipate September 11. In that book, he anticipated the findings of the congressional joint committee that were released in July. There is no reason to believe that he made up his reports, but there is reason to believe that people in the Bush administration used him without his knowledge to spread false stories about the Germans and the French.

On Feb. 18, *The Washington Times* published a front-page story by Gertz about a North Korean ship, the *Sosan*, which had been stopped earlier on its way to delivering missiles to Yemen. Gertz wrote that according to “U.S. intelligence officials,” the *Sosan* had continued on to Germany and taken “a large shipment of chemical weapons material,” which it then carried back to North Korea. The story said that the chemical it acquired, sodium cyanide, was an ingredient of sarin, a deadly nerve gas. (In fact, sodium cyanide is used to produce the gas tabun, not sarin.) Germany’s actions

would have violated international agreements; they would have also cast doubt upon Germany’s claim that it, too, wanted to deprive Iraq’s Saddam Hussein of his weapons of mass destruction, though it opposed the American means of doing so. Germany, the story implied, was itself a player on the WMD circuit.

Gertz’s story was reprinted in the United States and was cited internationally. Gertz was also interviewed on FOX television. But there is almost no reason to believe the story. State Department officials I queried told me they had heard of no evidence that it was true. The German embassy, which Gertz did not contact before publishing the story, issued a firm denial afterward and demanded that *The Washington Times* retract the story. Embassy officials say they offered to show Gertz classified documents from German customs and intelligence services to prove that the ship had never docked in Hamburg. Ships are large, relatively slow-moving objects that can be tracked by radar, and—as I learned myself when I once did a story on a shipping company executive—governments and international ship registries are aware of which cargo ships land at which ports.

Gertz said he couldn’t recall the Germans’ offer to see the documents. When the Germans offered to show them to me, I went to the embassy to read them. According to German customs officials, the *Sosan* never docked in Hamburg. According to German intelligence, the ship never even got through the Suez Canal; after discharging its cargo in Yemen, it headed back toward North Korea by way of Singapore and Malaysia.

By the time Gertz appeared Feb. 20 on FOX television, he was backing down from his story in the face of the German denials. Asked where the North Koreans had gotten their chemicals, he said, “That’s an open question. The initial intelligence was that it was a German origin. The German government is denying that. There are also reports that it picked up the shipment in China. It may have been German in origin and transferred in a third country, such as Singapore.” But when I asked Gertz about the original story, he said, “I stand by the story. My track record speaks for itself.”

AFTER THE IRAQ WAR BEGAN, SEVEN GERTZ STORIES were published in which U.S. intelligence and defense of-



officials charged that the French government or French companies were secretly aiding the Iraqis. The most explosive of these, which appeared May 6, said that according to "officials familiar with intelligence reports ... the French government secretly supplied fleeing Iraqi officials with passports in Syria that allowed them to escape to Europe." Gertz's story got picked up all over the world and became a talk-show staple. It suggested that the French opposed the American invasion because they secretly supported Saddam Hussein's regime.

The French vociferously denied the story, but so, too, did the State Department. Spokesman Richard Boucher, asked repeatedly that day about the story, said that the State Department had "nothing that would lead us to doubt" the French denial. Last month, a State Department official who oversees Europe told me categorically, "There were no such intelligence reports." Rep. James Sensenbrenner Jr. (R-Wis.), the chairman of the House Committee on the Judiciary, requested that the Department of Homeland Security look into the matter. According to a spokesman for Sensenbrenner, the department reported back that there was "no indication that France supplied passports to Iraqis."

When I asked Gertz if the "U.S. intelligence officials" he cited referred to officials in the CIA or the Defense Intelligence Agency, he said, "It would mean people with access to intelligence reports. I am not going to go into it any further." That could include politicians on Capitol Hill who have access to classified information. But purely circumstantial evidence points to Rumsfeld, Feith and that part of the Pentagon that also houses the infamous Office of Special Plans, which promoted, among other things, the view that there were close ties between Saddam Hussein and al-Qaeda.

There was a telling difference between the way that State Department and Pentagon officials responded to Gertz's story about the French passports. While the State Department said it had no evidence to support the story, Rumsfeld virtually confirmed it. In a press conference May 10, Rumsfeld said, "France has historically had a very close re-

lationship with Iraq. My understanding is that it continued right up until the outbreak of the war. What took place thereafter, we'll find out." When asked specifically about the passports, he said, "I've read those reports, but I don't have anything I can add to them."

Defense officials were explicitly linked to other possible examples of disinformation. On April 21, *Newsweek* cited an "intelligence officer with the Third Infantry division" who said that "U.S. forces discovered 51 Roland-2 missiles, made by a partnership of French and German arms manufacturers, in two military compounds at Baghdad International Airport. One of the missiles he ex-

amined was labeled 05-11 kn2 2002, which he took to mean that the missile was manufactured last year." According to the French, these missiles were not manufactured after 1993 and were sold to Iraq before 1991, back when the United States was also selling military equipment to the Iraqis.

On May 24, Gertz, citing defense officials, wrote that "a U.S. military intelligence team in Iraq has uncovered a dozen French passports, and defense of-

icials believe other French passports from the same batch were used by Iraqis to flee the country." State Department officials question the veracity of this story. And no one besides the "military intelligence team" that Gertz cites seems to have seen these passports. Repeated French requests to examine them have been ignored.

The United States and the Soviet Union used disinformation techniques against each other at the height of the Cold War, but disinformation, like political assassinations, was something that the United States had officially repudiated in the last three decades. Under the Bush administration, however, what was once forbidden seems to have become acceptable. These stories suggest that while the Pentagon shelved its plans for an Office of Strategic Influence, it didn't abandon its effort to launch a new campaign of information warfare—one that is spreading outrageous falsehoods at home as well as abroad. ■

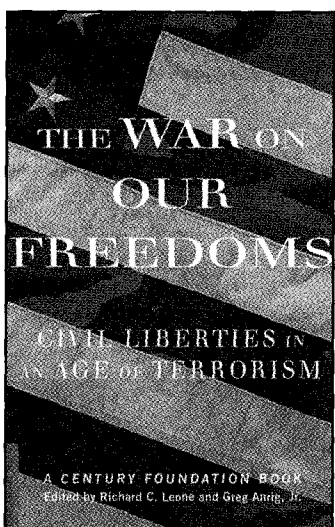
JOHN B. JUDIS is a senior editor at The New Republic.



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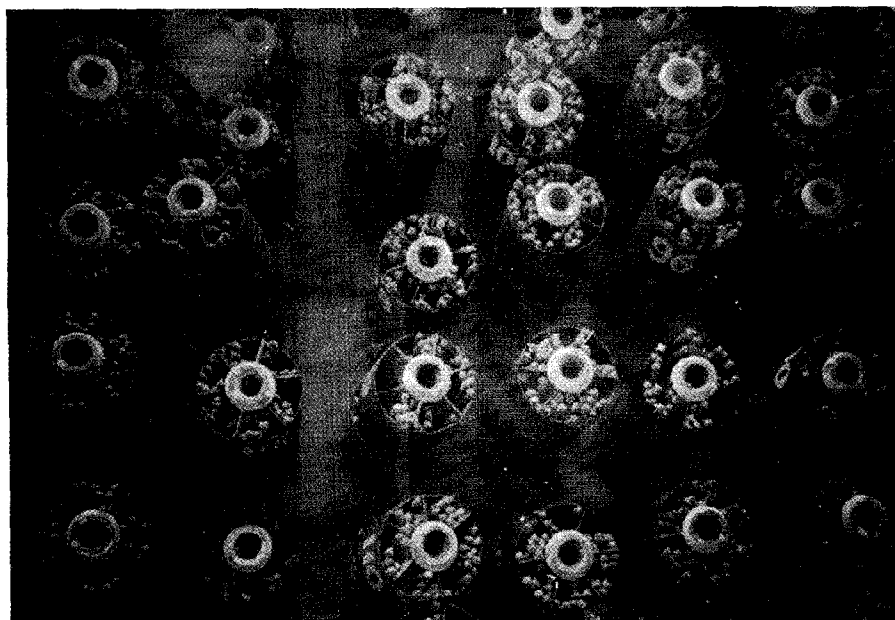
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# Dispatches



Spent nuclear fuel rods in Yongbyon, circa 1996

## Nuclear Wal-Mart?

Bush's foreign-policy disaster in North Korea

BY IVO H. DAALDER AND JAMES M. LINDSAY

THE BUSH ADMINISTRATION HAILED as a victory North Korea's announcement in late July that it would participate in six-party talks on its nuclear program. The White House had insisted for months that Pyongyang's illicit activities were a regional issue best resolved in a multilateral setting. But unless the administration enters the new talks willing to negotiate, its victory on how many countries get to sit at the table will prove fleeting.

If past is prologue, the late summer meeting will produce sparks. North Korean and U.S. diplomats have met twice since the nuclear crisis resurfaced a year ago. Both times Pyongyang surprised the Americans by admitting rather than denying its nuclear ambitions. Last October, North Korean offi-

cials told James Kelly, the head of the U.S. delegation, that the North had an illicit uranium-enrichment program. Then, in a meeting this April, Kelly's counterpart informed him that Pyongyang had produced nuclear weapons, and that it could and would "display them," "make more" or "transfer them." In both cases, the North Korean statements ended the talks.

Don't be surprised, therefore, if this pattern repeats itself in the latest round of meetings. The evidence suggests that North Korea has finished extracting plutonium from 8,000 spent nuclear fuel rods that had been kept in storage as part of the 1994 agreement with the Clinton administration—giving it material for half a dozen more weapons. Should Pyongyang admit what Wash-

ington fears, the talks will likely disband in acrimony.

North Korea's nuclear activities provide a stiff test for George W. Bush. His strategy for dealing with North Korea—and most other foreign-policy issues—has thus far proceeded from three principles. The first might be described as the "ABC" principle—Anything But Clinton. Bush entered office deriding Bill Clinton's foreign-policy stewardship. The mere fact, then, that Clinton was willing to talk with Pyongyang was enough to persuade Bush to rule out further discussions. "One of the things that is important to understanding North Korea," Bush said recently, "is that the past policy of trying to engage bilaterally didn't work."

Bush's second guiding principle has been to shun negotiations with evil leaders. The reason is simple: Despots such as North Korea's Kim Jong-Il (who Bush mocked as a "pygmy") cheat on the agreements they sign. The result, the White House argues, is that negotiations perpetuate problems rather than solve them.

Third, Bush believes that he can solve most foreign-policy problems by flexing America's considerable muscle. When pushed, his natural instinct is to push back. In the case of North Korea, that has meant refusing to play the game according to Pyongyang's terms. When the North wanted bilateral talks, Bush insisted on multilateral talks. When the North wanted to discuss the nuclear issues, Bush insisted on broadening the agenda to include missiles, conventional weapons and human rights. When the North blustered about nuclear threats, Bush said he would not give in to blackmail.

Unfortunately for Bush—and the world—his North Korean strategy has proven disastrous. ABC is not a policy. While the administration was applauding itself for refusing to give in, North

Korea became the world's ninth nuclear power. Within a few years, its uranium-enrichment program will enable it to produce three nuclear weapons a year. By the end of the decade, its plutonium program will be capable of producing 25 to 50 weapons annually.

The consequences of a nuclear-armed North Korea are profound. Pyongyang has missiles that can reach its neighbors, and it is developing missiles capable of reaching the United States. Just as frightening, cash-poor North Korea has shown that it will sell whatever it can produce—and who doubts that there are ready buyers for a small suitcase of plutonium? This raises the nightmarish prospect that Bush inveighed against in his “axis of evil” speech: a nexus of terrorism, rogue states and weapons of mass destruction.

North Korea's emergence as a nuclear power has immense consequences for northeast Asia. Support is already growing in Tokyo for what was once unthinkable: a Japanese nuclear deterrent. Once Japan goes nuclear, so will South Korea and Taiwan. Washington's decades-long efforts to dissuade its regional allies from acquiring nuclear weapons will have been for naught. The nuclear taboo elsewhere in the world will be seriously, and perhaps irrevocably, broken.

Bush's response to Pyongyang's nuclear activities has been surprisingly blasé. The same administration that insisted that the possibility of Iraq building a nuclear weapon posed an unacceptable threat insists that the United States does not yet face a crisis on the Korean peninsula. This is so, Secretary of State Colin Powell argues, because “you can't eat plutonium.” Of course, you can sell it and use the proceeds to buy a very nice meal.

Why has an administration that prides itself on being tough acted so meekly toward North Korea? One reason was that Bush wanted to take the country to war against Iraq. “We do not need another crisis now,” Bush told his aides last October. And the president made sure one didn't occur. He downplayed the pressing nuclear threat from North Korea even as he hyped an alleged nuclear threat in Iraq.

Another reason was that for all the talk about flexing America's muscles, Bush blanched at the prospective costs

of pushing North Korea hard. Saddam Hussein didn't have nuclear weapons; Kim Jong-Il did. Even if the United States successfully preempted a nuclear attack, North Korea has 10,000 artillery tubes deployed in the mountains about 40 miles north of Seoul, which could level the city of 10 million people. In effect, Bush, having trumpeted a doctrine of preemption as an alternative to deterrence and containment, was now himself deterred.

Unwilling to negotiate and reluctant to risk war, Bush opted to hope and pray. He hoped the North Korean regime would collapse, taking the nuclear problem with it. And he prayed that Pyongyang would not develop, test, use or sell nuclear weapons. Unfortunately, Kim Jong-Il remains in power, and North Korea appears to have called the White House's bluff.

The time has come for Bush to abandon the failed hope-and-pray strategy. He should use the six-party talks to offer North Korea what it claims it wants: a security guarantee, full diplomatic relations with Washington, and increased political and economic assistance from the United States and its regional allies. In return, he should make a simple demand: that North Korea dismantles its nuclear program and accepts intrusive and aggressive weapons inspections to ensure compliance.

Two criticisms can be leveled against

such a bargain-and-badger strategy. One is that Pyongyang's nuclear program might not be for sale—at any price. The only way to find out if this is true, though, is to make an offer. If negotiations fail to budge Pyongyang, the Bush administration will have laid the basis for working with its regional allies toward a more effective strategy of pressure—including, possibly, military action.

The other criticism is that Pyongyang will cheat on any deal it signs. This is a real concern. No amount of verification can guarantee against cheating. But as we are learning to our great surprise in Iraq, intrusive verification can be far more successful than anyone anticipated in slowing programs aimed at building weapons of mass destruction. In any case, what is the alternative? A large and rapidly expanding North Korean weapons program.

Bush's current strategy is leading us down a dangerous path. Unless we move quickly, we could discover in the not-too-distant future that North Korea has set up shop as a nuclear Wal-Mart. In a world where al-Qaeda operatives are eager to fly jet planes into skyscrapers, that would be an unimaginable disaster. ■

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IVO H. DAALDER and JAMES M. LINDSAY are the co-authors of *America Unbound: The Bush Revolution in Foreign Policy*.

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## Overpaying the Pentagon

How we can meet our security needs for less than \$500 billion

BY LAWRENCE J. KORB

WHEN GEORGE BUSH SENIOR'S ADMINISTRATION decided that the end of the Cold War made it safe to reduce the defense budget and the size of our armed forces, many neoconservatives and defense hawks, some of whom were serving in that administration, argued against the move. They wanted the United States to maintain military dominance in order to prevent the emergence of a rival power to challenge American hegemony.

Since the attacks of September 11,

and the promulgation of the George W. Bush doctrine of unilateral military preemption a year later, many of these same individuals are now calling for an increase of as much as \$100 billion a year in defense spending and restoring the size of the active duty military force to its 1990 level. They base their case on four arguments.

First, the U.S. military is engaged in Iraq and Afghanistan. Second, the Clinton administration reduced the defense budget so much more than the



first Bush administration had anticipated that the readiness of our forces has deteriorated to dangerous levels. According to National Security Adviser Condoleezza Rice, Bill Clinton witlessly accelerated and deepened the cuts proposed by Bush Senior. Third, the war against terrorism requires a force structure and defense budget of Cold War proportions. Fourth, because defense presently consumes only 3.5 percent of the nation's gross domestic product, we can afford to spend much more on defense. Even if one accepts the national-security strategy of the Bush administration as the framework for formulating the force structure and defense budget, these justifications are overstated and misleading.

The costs of U.S. involvement in Afghanistan and Iraq are not being charged to the \$400 billion defense budget. These costs are funded in a supplemental appropriation, which is added to the existing budget. This year these operations will add at least an additional \$100 billion to the defense budget. We essentially give the military a \$400 billion budget, but we have to pay extra to use it.

Clinton not only did not accelerate the cuts proposed by the first Bush administration, he actually spent \$2 billion more on defense than Bush Senior had projected for the 1994–1999 time frame. More importantly, the military that the current President Bush and his national-security team have correctly praised for performing so brilliantly on the battlefields in Afghanistan and Iraq was bequeathed to them by Clinton. The Bush defense budget went into effect Oct. 1, 2002, nine months after major fighting ended in Afghanistan and only five months before actual combat began in Iraq. None of the funds in this budget has had time to have any impact on the caliber of the men and women who went to war, their readiness for battle or the weapons they used. Based on the rhetoric of the Bush team and the 2000 campaign, one would not have believed that the Clinton military could overthrow two regimes with fewer battlefield casualties than the Marines suffered in Lebanon in 1983.

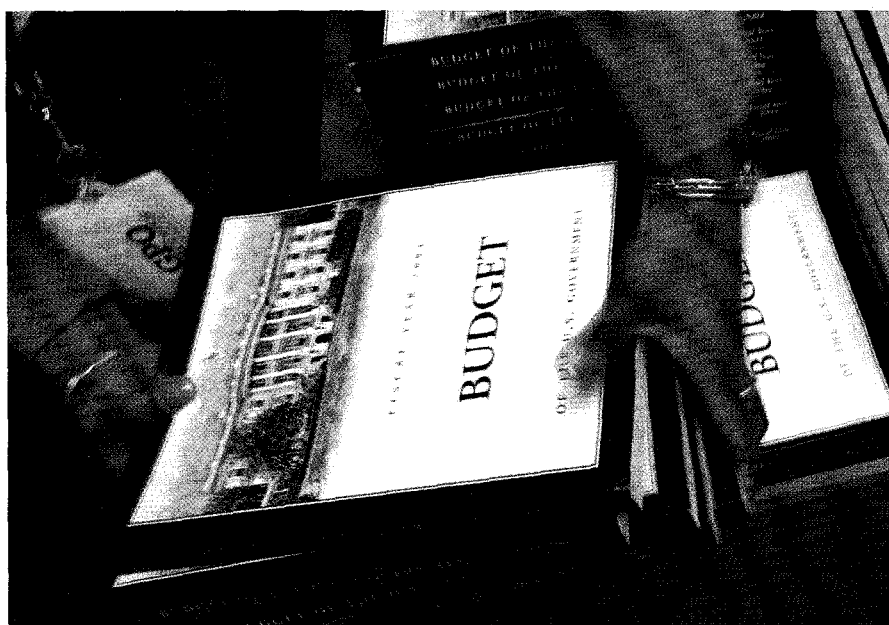
The current defense budget, even if one adjusts for inflation, is already above Cold War levels and has been rising significantly since 1998, when it reached its

post-Cold War low of “only” \$300 billion. Even the \$300 billion figure accounted for 40 percent of the world's military expenditures that year and was higher in real terms than Richard Nixon's last defense budget in 1975.

This nation is already spending 10 percent more than it did on average during the Cold War and more than it spent on average during the Vietnam and Korean wars.

Moreover, the total number of full-time employees on the Pentagon payroll is not much lower than it was when the Berlin Wall came down. The number of people in the active force and on

Challenges. But these problems are not caused by the amount of money it receives. This becomes clear when one analyzes some of the large programs being funded. Each of the services continues to waste significant sums on Cold War relics that are not needed to wage the war on terrorism or even to enter a conventional conflict on the Korean peninsula. President Bush and Secretary of Defense Donald Rumsfeld have argued that some of these programs should be canceled. But so far they have refused to spend the political capital necessary to take on the military industrial complex to do so.



It's in the books: our bloated—and growing—military budget

the civilian payroll declined from 3 million to 2.1 million over the last decade. But the number of defense contractors, who perform tasks such as providing security at Central Command headquarters in Qatar, has grown by 700,000. In addition, the Pentagon has kept more than 200,000 military reservists on full active duty since September 2001.

It is difficult to argue that the nation can afford to spend more on defense when its annual budget deficit, excluding the Social Security Trust Fund, is currently running over \$600 billion—or 5.7 percent of the nation's GDP. While defense takes a lower percentage of the GDP than it did during the Cold War, it already consumes more than half of the discretionary funds in the federal budget.

This is not to say that the U.S. military does not have problems or chal-

The Air Force, for example, is spending \$70 billion to buy 295 F/A-22 Raptors—a Cold War-era fighter plane that is behind schedule, over budget, plagued by technical problems and designed to take on sophisticated Soviet fighters rather than the modest regional fighter forces it is likely to encounter today. The Navy plans to buy 30 Virginia-class submarines for \$74 billion, even though its current submarine fleet is the best in the world and has no perceivable enemy; moreover, many submarines are being retired before the end of their useful lives. The Army is spending more than \$16 billion to purchase 650 Comanche helicopters, despite the fact that the average price for the helicopter has more than doubled, and that the Army has had to eliminate two of the helicopter's primary missions (transport

and attack) since starting the program. This makes each Comanche a \$30 million reconnaissance platform, a function that could easily be performed more cheaply and effectively by unmanned aerial vehicles such as the Predator. Finally, the Marines want to spend \$46 billion to buy 458 V-22 Osprey tilt-rotor aircraft despite their high cost and continuing technical and safety problems, which have already resulted in the deaths of 23 Marines.

The Pentagon also overspends on its strategic nuclear forces and missile-defense programs. The Bush administration wishes to develop a new, smaller, low-yield nuclear weapon, the Bunker Buster, and continues to fund a Cold War nuclear arsenal and the nuclear-weapons complex necessary to maintain it. As a result, the defense budget for offensive nuclear forces exceeds \$25 billion, and the nuclear-weapons labs are spending 50 percent more than they did on average during the Cold War.

The Pentagon is spending an additional \$9 billion a year on a national missile-defense program to protect this country from the least likely threat to the homeland. And later this year, it will begin actual deployment of a ground-based national missile-defense system that has not been fully tested, relies on failed and immature technology, and could eventually cost \$100 billion.

There are other areas of potential

savings in the budget that would not undermine our military capability. The Pentagon will spend \$6 billion to \$8 billion more to lease 100 tankers from Boeing than if it purchased the planes. And the Army spends about \$5 billion a year to maintain eight Army National Guard combat divisions even though the vast majority of these units are undeployable and would be called up only for World War III-style combat on a continental scale. Only three brigades, or one division equivalent, are deployable because they train with active-duty divisions (two of these enhanced brigades will be called up and sent to Iraq). The \$4 billion saved from eliminating all but these three brigades would more than pay for moving peace-keeping forces, such as civil-affairs units and military police, from the reserves to the active force.

Thus, even if one accepts the Bush doctrine, the Pentagon does not need to add funds to the existing budget. By making sensible decisions, it could easily reduce its budget by 25 percent. If this country had a more realistic national-security strategy, the reductions could be even greater. ■

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LAWRENCE J. KORB, *the director of national-security studies at the Council on Foreign Relations in New York, was the assistant secretary of defense from 1981 to 1985.*

2003, for example, Maine passed the nation's first universal health-care law, the aptly named Dirigo Health program, dubbed this year's "single most forward-looking" health bill by the liberal Center for Policy Alternatives.

Maine has won even more notoriety, however, for its 2000 "Maine Rx" law, which empowered the state to negotiate on behalf of the uninsured for cheaper drug prices from pharmaceutical manufacturers. Democrat Chellie Pingree, who spearheaded the bill as Maine's Senate majority leader and now heads Common Cause, calls Maine Rx a success story based on "not being afraid of a bold idea." In this case the idea bubbled up, in true Maine fashion, from an activist: the late John Marvin, a media-savvy senior advocate who dramatized high drug costs by organizing bus trips to Canada, where seniors filled their prescriptions at a dramatic discount. Before long an armada of seniors stormed Augusta to lobby for Maine Rx, in the process crowding out lobbyists from the pharmaceutical industry who were attempting to prevent the bill's passage. "We arrived early [at hearings] to take all the chairs, so [the lobbyists] had to stand up," recalls senior activist Vi Quirion of Waterville. The bill ultimately passed with near unanimity, and was signed into law by then-Gov. Angus King.

The central insight of Maine Rx was to use the state's Medicaid program, normally designed to help the poor, to negotiate discounts for other uninsured citizens as well. If drugmakers refused to deal, their products ran the risk of being excluded from Maine's preferred Medicaid drug list.

It's important to realize how radical this approach is: Whereas national prescription-drug proposals have emphasized providing various benefits to Medicare recipients, Maine Rx targets drug industry profiteering as the root cause of the nation's prescription-drug problem, in the process going head to head with one of America's most powerful lobbies. This tactic epitomizes the disdain for standard Washington remedies felt by many Maine lawmakers. "Our attitude is, 'We never expect Congress to do anything,'" says current Maine Senate Majority Leader Sharon Treat, a Democrat. "We've come to the point where we try to find our own solutions."

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## Remember the Maine

A small state casts fear in the heart of Big Pharma.

BY CHRIS MOONEY

AUGUSTA, MAINE — IN LATIN, THE word *dirigo*, Maine's state motto, means "I lead" or "I direct." On a sleepy summer Wednesday at the Maine State House, with the legislature out of session, this slogan at first seems out of place. Scattered visitors waltz into the capitol without passing through security, having parked their cars in the same small lot as the few legislators who are here working overtime. The low-key scene seems fitting for a state of 1.2 million people, one that sometimes gets cut out of the top right cor-

ner of U.S. weather maps. Still, Maine shouldn't be underestimated. Just ask U.S. pharmaceutical companies: Several years ago they failed to take this state seriously, and the mistake could cost them a fortune in profits.

Thanks to a cadre of clean-election-financed lawmakers who work closely with (and in some cases hail from) the state's vibrant political activist community, Maine has recently developed a reputation for cutting-edge lawmaking, particularly when it comes to medical and prescription-drug issues. In



The passage of Maine Rx triggered an almost instant federal court challenge by the drug industry trade group Pharmaceutical Research and Manufacturers of America (PhRMA), which alleged that the law violated the Constitution's commerce clause and federal Medicaid law. After nearly three years of holdups, the U.S. Supreme Court tentatively ruled in May that Maine could proceed with the program. The state has since retooled its law, now dubbed "Maine Rx Plus," to make it more legally sturdy. Meanwhile, the battle shifts elsewhere, as other states, responding to the Supreme Court's green light and the lobbying of activist coalitions, have sought to craft their own versions of Maine Rx. In response, PhRMA seems prepared to crack open an almost bottomless war chest. According to industry documents obtained by *The New York Times*, the association will spend a stunning \$48.7 million over the next year on state-level lobbying alone.

PhRMA has already unleashed some 60 lobbyists on state capitols. Still, the trade group could find itself facing hydra heads as multiple states attack the problem of prescription-drug prices simultaneously, often with several bills. Indeed, as early as 2000, Vermont and Maine raced to see which could pass a Maine Rx-style bill first. (PhRMA managed to stymie the former but not the latter.) More recently, Hawaii and Illinois have passed laws resembling the original Maine Rx plan, and other states will surely consider similar bills during their 2004 legislative sessions (18 did in 2003). As a result, PhRMA finds itself perhaps more vulnerable than ever before. "Calling it 'death throes' [for the industry] would be too grand a term," says Marcia Angell, a Harvard Medical School professor and former editor-in-chief of *The New England Journal of Medicine*. "But the efforts of the pharmaceutical industry to regain their invincible position will be interesting to watch."

One particularly pitched battle has already begun in Ohio, where a coalition that includes the state AARP and AFL-CIO has collected well over 100,000 signatures on a petition to put a Maine Rx-style law on the ballot. Ohio is much larger than Maine, of course, and the state's activists hope to ultimately ob-

tain cheaper drugs for some 2.2 million uninsured citizens. PhRMA, in turn, has budgeted \$15.8 million to battle this "union-driven, get-out-the-vote ballot initiative," according to the *Times*.

The lengths to which the group has gone are mind-boggling: PhRMA lawyers have taken to challenging individual petition signatures before county courthouses and state election boards, nitpicking over things like handwriting and whether or not signees included their city and the correct date. "Folks, they've never seen any sort of challenge to a statewide petition like this one," says Tim Burga, legislative director of the Ohio AFL-CIO. "It's kind of new ground, what's happening here." Sure enough, Burga says that PhRMA's well-financed delay tactics have successfully kept the initiative off this year's ballot.

## The drug industry could find itself facing hydra heads as multiple states try to simultaneously attack the nationwide problem of prescription-drug prices.

In the upcoming battle over the spread of Maine Rx, whether in Ohio or elsewhere, a key factor will be the extent to which other states can replicate Maine's experience. Maine certainly had several advantages in its attempt to pass the law, including no significant in-state pharmaceutical interests to oppose the program and a shared border with Canada that fostered outrage over international price disparities. ("It's just enormously different than someone who lives in Kansas and has no idea of how badly they're being shafted," notes Bernie Horn of the Center for Policy Alternatives.) Moreover, from an advocacy perspective, Maine's small population naturally fosters solidarity, as community members who know one another, particularly seniors and unionists, band together in common cause. Maine's cozy size also facilitates a high degree of legislative responsiveness to an electorate that has remained deeply concerned about prescription-drug prices.

But perhaps the most central factor in the success of Maine Rx was the activist coalition that came together to support it. Senior citizens formed the

group's core, but they were bolstered by a wide range of other interests, from the state women's lobby to labor unions. According to Jeff Blum, executive director of USAction, which is working to spread Maine Rx to other states, a well organized senior constituency remains the most important factor in this kind of advocacy, because seniors aren't easily painted as radical and have plenty of time on their hands to organize. But the seniors must be complemented by courageous legislators—such as Pingree and Treat—and a strategic coordinating organization, which USAction tries to provide. Labor allies are also key to the fight, and, because PhRMA has a long history of funding so-called Astroturf groups to attack from the left—"trying to put an off-color face on its self-interest," says Blum—so are African American or Latino legislators. And de-

spite all this, the USAction-led Illinois coalition that pushed for Maine Rx for several years still had to compromise on some aspects of the program.

Other states that have the potential to pass something akin to Maine Rx (or Maine Rx Plus) include Oregon, Washington and Rhode Island. Granted, Maine's own program won't officially start until Jan. 1, 2004, and there's a possibility that new legal challenges will arise, especially if Secretary of Health and Human Services Tommy Thompson refuses to approve Maine Rx under the federal Medicaid program. Still, thanks to the Supreme Court, the momentum now lies with the activists. "In the end, I do think we're going to be successful," says Treat. "Other people are going to look around and say, 'Maine has this. Everyone in the state of Maine has a prescription [drug] card either through Dirigo Health, their insurance company or the Maine Rx program. Why can't we do that?' And what's the answer going to be, 'We're waiting for Washington?'" ■

CHRIS MOONEY is a Prospect contributing writer.

# Mothers Most Vulnerable

BY ANN CRITTENDEN

For some time I've tried to convince anyone who will listen that mothers—including those who are educated and middle class—are the most financially vulnerable people in the United States. Mothers of all races and income levels are less secure economically

than comparable men or childless women, to such an extent that being a mother has become the single biggest risk factor for poverty.

Now along comes a book that confirms this view. In *The Two-Income Trap: Why Middle-Class Mothers and Their Families Are Going Broke*, co-authors Elizabeth Warren of Harvard Law School and her daughter Amelia Warren Tyagi, co-founder of the for-profit health-services company HealthAllies, argue that "having a child is now the single best predictor that a woman will end up in financial collapse." In 1981, about 69,000 women filed for bankruptcy. Twenty years later, that figure had jumped 732 percent to nearly 500,000 women, many of them married.

Warren and Tyagi discovered that mothers are 35 percent more likely to lose their homes and three times more likely to go bankrupt than fathers. Mothers are also seven times more likely to head up the family after a divorce, and trying to support their kids is a principal reason why they are in such straits. If a woman remains childless, she reduces her chances of going bankrupt by 65 percent. Moms may be holding the world up, but the world is letting them down, along with the 1.8 million children whose parents will file for bankruptcy this year.

The authors' principal explanation for all this is counterintuitive. They argue that the advent of the two-income family has enabled couples to spend most of their income on the things it takes to ensure their children a middle-class life, most importantly a house in a good neighborhood with decent schools and a college education for every child. As a result, the prices of these universally desired items have risen dramatically, eating up most if not all of that second income. Then, when an unexpected disaster strikes (85 percent of all bankruptcies are due to either a job loss, a health crisis or a divorce), the family has nothing to fall back on. It can't send one parent back into the job market to earn additional income because most mothers are already working. It can't easily cut expenses because parents' income goes toward the basic necessities of the middle-class life—the mortgage, health coverage, preschool, automobiles and college tuition. For many, there is only one place to turn: their credit cards.

With all usury laws swept into the dustbin of history, credit-card companies and banks have every incentive to shovel credit at any warm body they can detect. Virtually anyone with a job can buy a house, with almost no down payment, and a family with two good earners can be living in a castle as quickly as a bank can say "Take my money and run."

Financial deregulation has not only contributed to the bubble in housing prices, it has worsened the debt load of those who stumble. In 1981, the median bankrupt family owed 80 percent of annual income in nonmortgage debt; by 2001, their total nonmortgage debt (which includes credit-card debt) amounted to 120 percent of annual income. But the worse it gets for the borrowers, the more money the banks and other consumer lenders, such as Sears, can make. When Warren suggested to some 40 senior lending executives at Citibank in 1990 that the company stop lending more money to families already in financial trouble, the most senior among them told her that the bank had "no interest in cutting back on our lending to these people. They are the ones who provide most of our profits." With that, the meeting was over.

The authors argue that reregulation of interest rates is the best solution to this epidemic of credit excess and distress. Strangely, though, they show little interest in policies that would speak more directly to middle-class women's economic interests, such as universal health coverage, pay and benefits parity for part-time work or fairer divorce laws, which they deride as merely "Share-the-Pain." Every divorce lawyer I've ever talked with agreed there would be far fewer divorces if the financial pain were shared equally.

Whether women will rally behind the banner of financial reform legislation is an open question. The ammunition is certainly there. More women are victimized by predatory lenders than seek protection from an abusive spouse or boyfriend. And more people will file for bankruptcy this year than earn a college degree. That's not any woman's dream—or the American dream. ■

ANN CRITTENDEN is a regular contributor on Minnesota Public Radio's Marketplace Edition and the author of *The Price of Motherhood*.



# Obscene Phone Call

BY ROBERT S. MCINTYRE

I got a call from MCI the other night. It came just as I was finishing up a paper attacking a multibillion-dollar tax loophole that MCI is trying to create for itself. Having already been surprised at being contacted by AT&T and Verizon on the issue that same day,

I wondered how MCI had found out, too. But my paranoia was unjustified. MCI's call was merely an attempt to persuade me to change my long-distance service.

As has been well reported, MCI, aka WorldCom, was driven into bankruptcy due to the largest accounting fraud in American history, which has cost the company's shareholders and creditors hundreds of billions of dollars. Now MCI is trying to milk the public even further, by perverting the purpose of a federal tax law that lets companies coming out of bankruptcy postpone certain taxes. MCI wants to turn that postponement into a permanent tax exemption.

I was tipped off to MCI's attempted tax rip-off a few months ago by my friends at the Communications Workers of America, which lost tens of thousands of jobs at AT&T and elsewhere due to MCI's long-distance price war. MCI's competitors couldn't afford to compete at MCI's low prices and, as it turns out, neither could MCI—except by cooking its books.

So what's MCI up to now? In its bankruptcy proceeding, MCI will shed tens of billions of dollars in debt—"upwards of \$19 billion or more," according to one of its (redundantly stated) bankruptcy filings, or as much as \$27 billion, according to another filing. That's good news for MCI (and bad news for its creditors), but there's a fly in the ointment: Debt cancellation normally generates taxable income for the borrower, meaning a potential federal tax bill for MCI of as much as \$9.5 billion at the 35 percent corporate tax rate.

The rule making debt cancellation taxable goes back to the early days of the income tax, and when you think about it, it's not just logical, it's essential. Otherwise, for example, workers could just be paid in loans that are quickly forgiven, tax-free. In fact, it's hard to think of any kind of income—wages, sales, dividends, interest, capital gains, rents or whatever—that couldn't easily be converted into a loan. So without a usual tax on debt forgiveness, the income tax would collapse.

The tax code does give a break to companies coming out of bankruptcy. To make it easier for them to get a fresh start, reorganized companies don't have to pay tax immediately on their washed-out debt. Instead, they're taxed on the income from their canceled debt gradually, by losing future deductions.

MCI, however, has come up with an outrageous scheme to try to get around *ever* paying tax on its forgiven debt. Essentially, it claims that the company should be divided into two parts. One part—call it "finance"—borrowed all the money on which the debt is being canceled. The other part—"operations"—has all the accumulated tax write-offs. So, says, MCI, finance has cancellation-of-debt income but no future tax deductions to lose, while operations has lots of tax write-offs but no cancellation-of-debt income.

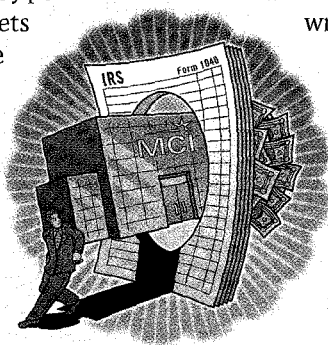
Of course, if a company's borrowing can be treated as unrelated to the operations that it financed, no tax would ever be collected on debt cancellation in bankruptcy. That makes no sense, but apparently several other bankrupt companies besides MCI are currently making the same ridiculous argument. So the monetary stakes for the public go beyond even MCI's potential \$10 billion.

Although the purpose and history of the tax law show that MCI's position is indefensible, the language of the statute is not as clear as it could be. Most experts think that the IRS could probably remedy this legislative oversight on its own, but thus far the Bush administration hasn't weighed in. So the anti-MCI forces have persuaded a bipartisan group of senators and representatives to introduce a bill to clarify the statute.

I'm amused to be supporting a bill whose lead Senate sponsor is Rick Santorum, the ultraconservative Republican firebrand from Pennsylvania. It's also rather unusual for me to be on the same side on tax policy as AT&T and Verizon—which, when they contacted me, were pleased to hear that I was already writing negatively about MCI. In fact, after I published my paper, one of my more cynical tax-lawyer friends called me to ask why I was "intervening in a phone-company dispute."

But in this case, AT&T's and Verizon's self-interested opposition to MCI gaining a competitive advantage coincides with good tax policy. I'm sure I'll be on the other side of the fence from those companies, not to mention Rick Santorum, soon enough. ■

ROBERT S. MCINTYRE is the director of Citizens for Tax Justice.





# Talking American

The crucial first step in taking back the White House

BY DAVID KUSNET

NOW THAT DEMOCRATS DESPERATELY WANT A PRESIDENTIAL candidate who speaks passionately, speaks to the point, and speaks like a normal person and not a politician, one contender answers their prayers.

Too bad his target is his own party.

Former Gov. Howard Dean (D-Vt.) begins his speeches by asking, "What I want to know is why the Democratic leadership supported the president's unilateral attack on Iraq?" Continuing his "What I want to know" litany, Dean demands, "Why are the Democratic leaders supporting tax cuts?" and why are congressional Democrats "voting with the president 85 percent of the time?"

Now, if only Dean—or one of the eight other contenders—had a speech that makes the case against George W. Bush as effectively as he bashes his fellow Democrats.

Dean's emergence from Democratic dark horse to top-tier presidential contender shows the importance of a good stump speech—the basic remarks where candidates explain who they are, what they believe and what they would do as president.

A compelling stump speech is essential for winning the nomination because candidates have to appeal directly to major donors, delegates to state party conventions and union conferences, and activists in states such as Iowa and New Hampshire that hold the first caucuses and primaries. But a convincing stump speech is also important for winning the general election because it makes the basic arguments and contains the trademark turns of phrase—such as Bill Clinton's pledge to "end welfare as we know it"—that the entire electorate ends up hearing in TV spots and network news coverage.

The best stump speeches speak to the aspirations and anxieties of a historic moment. In 1960, while Dwight

Eisenhower presided over a lagging economy and a Soviet head start in space, John F. Kennedy promised to "get America moving again." In 1976, after Vietnam and Watergate, Jimmy Carter said, "I will never lie to you" and promised "a government as good as the American people." In 1992, when the nation had just won the Cold War and the Gulf War but seemed to be losing the global economic competition, Clinton offered a detailed but down-to-earth explanation of how we could "put people first" by investing in education, training and health care.

These speeches rallied the party activists the candidates needed to get nominated while reaching out to the swing voters they needed to get elected. Instead of throwing rhetorical red meat to their party's most intense supporters, winning candidates are conversant in what Clinton called "speaking American" (something he'd goad me about because he'd hired me as a speechwriter after reading a book I'd written by that name)—using everyday language that links national issues to people's daily lives and deepest values.

Compared with Clinton, Kennedy or even Carter, none of the current Democratic candidates is consistently speaking American to voters who are anxious about the future but not yet angry with the president. To beat Bush, the eventual nominee needs to start from the three events that define our times: the September 11 terrorist attacks, the corporate scandals, and the economy that's shedding jobs and shrinking incomes. Then offer alternatives to Bush's tax cuts for the wealthy and going it almost alone in the war on terrorism. And explain how Americans can shape a world where they'll have lives that are secure in every sense of that word.

So far, none of the nine Democratic contenders is giving more than bits and pieces of a winning speech.





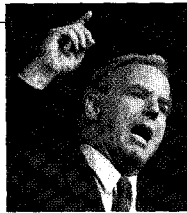
### THE ATTACK DOC

Stoking and stroking audiences for whom Bush's badness is axiomatic, **Howard Dean** claims that only he opposes the president on everything: the Iraq War, the tax cuts and even the No Child Left Behind Act, which most national Democrats supported.

Before presenting himself as part of "the Democratic wing of the Democratic Party"—a phrase he borrowed from the late Sen. Paul Wellstone (D-Minn.)—Dean resembled the socially liberal but fiscally conservative Paul Tsongas, the former Massachusetts senator whom Clinton defeated for the party's nomination in 1992. When Dean talks, as he has in Iowa and New Hampshire, about his record in Vermont (where he built a budget surplus, cut debt and improved bond ratings), his crisp certainties sound like yet another New Englander: the party's 1988 nominee, Michael Dukakis.

But Dean's formal announcement speech in June revealed that he doesn't want to join Tsongas and Dukakis—and Morris Udall, Eugene McCarthy and Adlai Stevenson before them—in the pantheon of beautiful losers who appealed to affluent liberals but not workaday voters. A physician by profession, Dean said that when he first started campaigning, he wanted to emphasize issues such as health care, early childhood development and "fiscal stability." But, he now says: "Something changed along the way as I listened to Americans around this country. For me, the long journey of a presidential campaign has begun with the people I have met affecting me far more than any effect I may have had on them." Dean said he was moved by Americans' sense that they have lost control of their country's destiny, from the decision to wage war in Iraq to the dominance of special-interest lobbyists. Instead of "What I want to know," Dean offered a new litany, telling listeners, "You have the power" to change the Democratic Party, the presidency and America.

Dean's new speech is in the oldest populist tradition, warning that self-government is threatened by the melding of economic and political power. He's also added new populist points, attacking companies that send American jobs offshore and warning that corporations not offering employees health insurance will lose federal contracts and tax breaks. But how will disadvantaged Democrats respond to Dean's



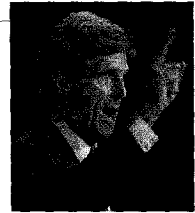
call for "a great American restoration"—a slogan that presupposes a longing for a past when many suffered discrimination and exploitation?

### THE COUNTERPUNCHER

Sen. **John Kerry** (D-Mass.) is groping toward a theme that could carry a Democrat through the general election: In a time of crisis, all Americans—especially the most fortunate—should contribute to their country. Kerry explored this idea even before the September 11 attacks, drawing on his own military service in asking Americans to answer the nation's challenges as "citizen soldiers." Using martial metaphors, he found a fresh way to make traditional Democratic values of sharing and caring sound tough-minded as well as tenderhearted. "The Army says they never leave their wounded," Kerry has said. "The Marines say they never leave their dead. It's time we all joined together—all of us as citizen-soldiers—committed to a cause greater than ourselves to ensure that no American is left behind."

Kerry has further developed this theme to propound a populism based on patriotic values of service and sacrifice. Using the sense of national emergency that Bush has encouraged as ammunition against the president's economic policies, Kerry declares, "For the first time in this nation's history, the most privileged among us get enormous tax breaks in time of war."

Countering the stereotype that liberals are soft, Kerry conveys his toughness by referring to his work as a prosecutor and his experience dealing with the problems of crime, terrorism and drug trafficking. He also draws upon his military service to bond with audiences with whom he would otherwise have little in common. Addressing the National Hispanic Leadership Agenda, he recalled, "The draft discriminatorily, without regard for the fairness we talk about in America, grabbed the kids out of the barrios and rural and urban centers of America and put them in uniform." His best line is what he hints he would say if the Republicans were ever to question his patriotism. As he told the Building Trades Department of the AFL-CIO: "I fought for and bled for and earned the right to express my views in this country. If they want to pick a fight, they've picked a fight with the wrong guy."



## THE IN-TOUCH INSIDER

Seeking the presidential nomination in 1988, Rep. **Dick Gephardt** (D-Mo.) attacked wage-cutting companies, merger-maniac investment bankers, job-destroying trade deals and trickle-down economic policies. As he recited each abuse, he shouted, "Enough is enough!" At the end of the speech, he declared, "It's your fight, too."



Since resigning last year as House Democratic leader, Gephardt has reintroduced himself as a pragmatic populist. More than any other contender, he offers an array of progressive programs: portable pensions, incentives for new teachers, an international minimum wage and the centerpiece of his candidacy, universal health care financed by repealing Bush's tax cuts. He explains his initiatives in terms of his own family's struggles: His father earned a decent paycheck as a Teamster. His mother worked too many jobs to accumulate pension credits. His son survived cancer because the Gephardts had health coverage. And his daughter is struggling to survive on a teacher's salary. Explaining that even hardworking families like his can't always make it on their own, he concludes by quoting the Rev. Martin Luther King Jr., who said, "We are all tied together in a single garment of destiny"—a rare instance of a white politician quoting a black leader in a nonracial context before multiracial audiences.

Like Clinton, Gephardt presents a comprehensive program to help people make their way in the churning global economy. Unlike Clinton, however, he does not present his program in the larger context of how it would benefit the entire economy as well as individual households. By midsummer, Gephardt had not delivered a major speech describing his proposal for an international minimum wage and defending his opposition to trade agreements without labor and environmental standards.

## THE PEOPLE'S LAWYER

A former trial lawyer, freshman Sen. **John Edwards** (D-N.C.) speaks populist better than anyone in the field. He presents himself as a working-class hero who worked his way through law school to defend "the people I grew up with" against corporate wrongdoers. His invocation of "regular people" sounds less patronizing than the more familiar phrases "ordinary people" or "average people."



While Edwards' campaign is less substantive than most of his rivals', he has a knack for translating policy into populism. In a speech about higher education, he attacked early-admissions policies as well as "legacy" preferences for favoring youngsters from wealthy families. Most speeches about education mix proposals with platitudes, but Edwards offered a populist insight: When the privileged enjoy opportunities they don't deserve, most Americans lose out on opportunities they do deserve.

Edwards is appealing to swing voters with conservative as well as populist impulses. Unlike any contender except Kerry, he adopts Clinton's approach that those who benefit from public programs should shoulder new responsibilities in return. Edwards' higher-education speech took the unorthodox tack of admitting that it's good for college students to

work at regular jobs during the school year, as he himself did, because it makes them take their studies more seriously.

Lately, Edwards has been making a more pointed case than his rivals against Bush's economic policies. Criticizing the cuts in taxes on dividend income, large inheritances and the highest income brackets, Edwards explained, "This crowd wants a world where the only people who have to pay taxes are the ones who do the work." Using similar rhetoric, Edwards has attacked "the cult of the CEO," with its exorbitant executive salaries and stock options.

Beginning with either his own biography or a set of bromides ("America is not a nation of kings and commoners, masters and servants"), Edwards' speeches suffer from not being situated in any current context. (Imagine how effective his speeches would have been last year if he had begun by saying that he was running for president to protect "regular people" against corporate criminals like Enron.) Yet, while Edwards is unlikely to be nominated, the eventual nominee would do well to study how he presents issues in plain-spoken parables.

## THE MORALISTIC MODERATE

Former vice-presidential nominee and current Sen. **Joe Lieberman** (D-Conn.) is also addressing general-election voters. But he uses moderation and moralism, rather than populism. Declaring, "We must rise above partisan politics" and promising to "tell my friends when they're wrong," he presents himself as a figure above both parties.



Although he uses the word "values" as often as Kerry repeats "Vietnam," Lieberman often does little more than moralize. In a remarkably restrained speech last year about "business ethics in the post-Enron era," he substituted preaching for policy, declaring, "We cannot put the business-ethics police on every corner that might be cut" and expressing the hope that "many business leaders have been moved to ask what the right balance is between shareholder value and moral values."

## RÉSUMÉS WITHOUT RATIONALES

Bring up the rear, Sen. and former Gov. **Bob Graham** (D-Fla.) offers an impressive résumé but no rationale for his candidacy other than the hint that, as former chairman of the Senate Committee on Intelligence, he's onto something about September 11 that the other Democrats don't know and that Bush won't admit. Former Sen. **Carol Moseley Braun** (D-Ill.) also has considerable experience but is campaigning mostly on her gender. And Rep. **Dennis Kucinich** (R-Ohio), a former Cleveland mayor, has had a hard time making himself heard.

Meanwhile, the Rev. **Al Sharpton** has avoided the demagoguery that characterized his career in New York and has contributed one of the best arguments for the general election, telling a forum in Iowa sponsored by the American Federation of State, County and Municipal Employees that Bush isn't cutting taxes but rather is shifting them to the state and local levels.

## PUTTING IT ALL TOGETHER

To beat and not just bash Bush, Democrats need to explain the American condition, discredit Bush's policies, present answers of their own and say it all in everyday language.



That begins with culling the best of what they've already said.

Start with rhetorical jujitsu. Use Bush's claims of national emergency against his complacent domestic policies. If America really is in a new Cold War against terrorist groups and rogue nations, every American needs to contribute, starting with the most fortunate companies and individuals.

If America is vulnerable to attack, Democrats should keep calling for strengthening our first lines of defense. Identify firefighters, police officers and health-care workers as America's frontline defenders. Ask why Bush's recession and federal budget cuts, fueled by the top-bracket tax cuts, are forcing the layoffs of so many firefighters, police officers and health-care workers. And ask why (and here's a "What I want to know" for physician Dean) America's defense against bioterrorism—our public-health system—has been allowed to decay.

Then turn to the continuing recession and the corporate crime wave that are costing millions of Americans their jobs, their incomes, their health coverage and their retirement savings. Let Bush administration officials try to explain that the recession is over, that corporate wrongdoing is a thing of the past and that the best answer is cutting taxes on corporate dividends, huge inheritances and high tax brackets.

Bush will try to define the debate as a choice between those who want to cut taxes and those who want to raise them. Democrats need to present moral and practical arguments and avoid being mired in complexity.

Edwards draws the distinction between taxes on most people's earnings that amount to "taxes of work" and taxes on large inheritances, large corporate dividend earnings and the highest incomes, which amount to "taxes of wealth." Democrats should attack Bush for wanting to tax wealth at lower rates than he taxes work. Together with calls for all Americans to contribute in a time of crisis, this populism has a moral dimension and cannot easily be dismissed as class warfare or tax-and-spend liberalism.

Similarly, Democrats should further explore the argument that Bush isn't cutting taxes, just shifting them. As the federal government—burdened by tax cuts, budget cuts and growing deficits—dumps new responsibilities on state and local governments, middle- and low-income Americans are being hit by higher state and local income, sales and property taxes, as well as cuts in their public schools, state universities, public health care, and police and fire protection.

Turning to national security—supposedly Bush's strong suit—Democrats needn't tear one another apart over whether members of the House and Senate should have voted to authorize the president to take military action against Iraq. A debate where Dean attacks his rivals as spineless supporters of a senseless war and Lieberman attacks the other candidates as soft on national security is one whose only winner will be Bush. Instead, Democrats should join together to criticize the thinking behind the heavy-handed ways in which Bush has treated the world community. And, even more important, they can explain the ways in which Bush's shoot-

first, go-it-alone mentality is distorting the administration's current and future actions in Iraq and elsewhere.

Kerry and Edwards have offered some of the best arguments against offending allies, acting unilaterally and waging preventive wars. America is stronger and safer, not weaker and more vulnerable, when we act together with our allies and lead, not leave, international institutions. When we really face imminent threats, we do have the right to act immediately to defend ourselves, but this hardly requires fancy words and frightening doctrines, such as preventive or preemptive wars.

Now that America is occupying Iraq and our soldiers are dying by the day, we should do what we should have done from the first: Share the burdens and the decisions with as many allies as possible. Here, too, some rhetorical jujitsu is in order: comparing the Iraq War as waged by the younger Bush with the Gulf War—where we acted with allies and paid only 15 percent of the cost—waged by the elder Bush.

Finally, Democrats need to recall not only the prosperous economy and solvent government that Clinton bequeathed

Bush but also the vision that Clinton presented of an America prepared for the global economy. Long before terrorism topped our anxieties, we were fearful, with good reason, of being plunged into a new worldwide economy that was sweeping away secure jobs with rising incomes and stable benefits.

While he couldn't or wouldn't fulfill his entire vision, Clinton did present a program to prepare Americans for international competition through public investments in education, training and technology. Clinton's critics on the Democratic left, including Gephardt, also called for America to take the

lead in making new rules to govern that economy for the benefit of working people as well as investors. Otherwise, they warned, international competition would become "a race to the bottom" (a phrase Gephardt repeated this summer in Iowa).

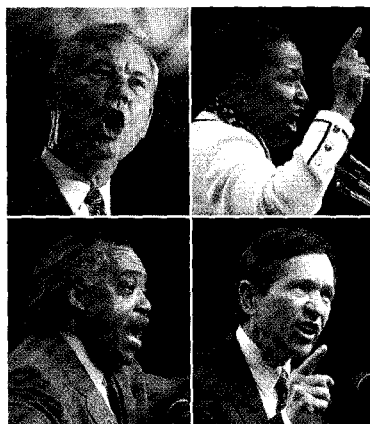
As only Gephardt among the major contenders has done, Democrats should present programs—such as universal health coverage, portable pensions, and job training and retraining—that ease Americans' transitions at a time of wrenching economic changes.

Democrats should also make clear that the only way to maintain and expand such social insurance programs is to make and enforce rules for the national and global economies, not to take the cops off the corporate crime beat here at home and go it alone in the world arena.

"To have the kind of America we want, we need the kind of world we want," Gephardt declared six years ago in a speech criticizing Clinton for failing to carry forward an economic policy that would "put people first." It's more important than ever to make that point—that American leadership can help people improve their lives at home and abroad—now that we're facing a president who puts everyday people last. ■

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These roots are made for walking: Troop supporters are a part of the electorate Democrats mustn't ignore.

# Class and Warfare

Democrats and the rhetoric of patriotism

BY ANDREW LEVISON

NO MATTER HOW EVENTS DEVELOP IN THE COMING MONTHS, either in Iraq or in American politics, Democrats who disagree with policies of the Bush administration will still have to confront a fundamental challenge: finding a way to talk foreign affairs with working-class Americans.

Until now, Republican mouthpieces and conservative commentators have had only limited success in demonizing Democrats as unpatriotic and weak in their support for the men and women in our armed forces. But the danger remains acute. If Democrats who favor a less belligerent foreign policy do not find the way to effectively present their ideas to working people, the partisan political debate in the coming campaign period could easily lead to a deepening social and political schism between the two groups—one that would resemble the disastrous polarization that developed during the war in Vietnam.

The basic problem today, ironically, is not that the Americans who can be considered working class support the administration's policies on and actions in Iraq at dramatically higher levels than those with higher educations. An April 2-6

*Washington Post*-ABC News poll showed that while the military campaign was being waged, Americans with less than a high-school education and those with some level of college were essentially equal in their support for the war (with around 75 percent of both groups in favor). Equally, while there has been a steep decline in public support for President Bush's handling of Iraq, foreign policy and the war on terrorism in recent weeks, the extent of this decline has been roughly equal among those with only high-school educations and those with college degrees. A July 16 Zogby poll, for example, found no more than a 3 percent to 4 percent difference between the two groups in their evaluations of Bush's performance on the war on terrorism, and an even smaller difference in their views of his handling of foreign policy.

Rather, the problem is that there is a very deep and emotional commitment among a significant group of working-class voters to the belief that "supporting the troops" and "being patriotic" requires adopting a wartime attitude of unquestioning support for military leaders and a refusal to oppose or criticize any war-related policies or actions. While

AP/WIDE WORLD PHOTO





this view is shared by many college-educated voters as well, a substantial segment of the latter believe instead that criticism can be compatible with patriotism and support for those in uniform.

This set of attitudes among working-class Americans presents a substantial roadblock for Democratic candidates and others who wish to either criticize specific actions of the Bush administration or propose alternative policies. It is extremely difficult even to begin discussing such issues without providing an opening for conservative accusations that this kind of talk endangers the troops in the field or reveals a lack of patriotism. Understanding why these views are so deeply embedded in working-class culture is key to communicating with working-class people without triggering such suspicions.

One fundamental sociological reality shapes the attitudes of working-class voters regarding virtually every issue related to war and peace: They perceive America's military as a profoundly working-class institution.

As a *New York Times* article that appeared March 30, headlined "Military Mirrors a Working-Class America," noted: "The soldiers, sailors, pilots and others who are risking and now giving their lives in Iraq represent a slice of a broad swath of American society—but by no means all of it. Of the 28 servicemen killed who have been identified so far, 20 were white, 5 black, 3 Hispanic—proportions that neatly mirror those of the military as a whole. But just one was from a well-to-do family, and with the exception of a Naval Academy alumnus, just one had graduated from an elite college or university."

Indeed, while virtually all the enlisted men and women in the armed forces have high-school diplomas, only 3.5 percent are college graduates and only 10 percent attended college. In demographic terms, this makes the armed forces one of the most homogeneously working-class institutions in America.

These young people, whites as well as minorities, come disproportionately from blue-collar homes and neighborhoods in large cities, or from small towns, and they tend to be from the South, Midwest or Mountain West. Not only parents and relatives but also neighbors and schoolmates in these areas and communities recognize the men and women in uniform as people much like them.

Beyond this, working people also feel an additional psychic bond with the men and women in the armed forces because the soldiers uphold very deeply held and distinctly working-class values: ruggedness and bravery, teamwork and group solidarity, loyalty, heroism and self-sacrifice. In the rest of American culture these virtues are given a much lower value than intellectual ability, ambition, competitiveness and the achievement of material success. For high-school-educated young men and women who are often not "successful" in these latter terms, the armed forces provides them with the opportunity to be seen as role models and heroes to their families, friends and communities. When working-class Americans refer to "our boys in uniform," they are expressing an intensely felt emotional truth as well as a metaphorical one—that the soldiers and other personnel are not only

literally their children but are also the representatives of some of the best values of their culture.

This intense identification with the members of the armed forces leads working people to feel that there is only one legitimate point of view on issues of war and peace: that of the ordinary soldier. Working-class Americans may feel sympathy for other groups, such as Iraqi civilians, or recognize a need to understand other groups, such as devout Muslims. But the idea of actually trying to view international problems from perspectives other than that of the frontline troops feels profoundly disloyal to the sacrifices the soldiers are making.

The identification with the troops also generates an emotional need for working people to believe that the armed forces are doing the right thing. This easily extends to a need to believe that their political and military leaders are following the right path. While people who are highly educated tend to study complex issues in depth and to feel that they have ways of effectively expressing their views when they disagree with government policies, working-class people generally do not. They do not have the time or resources to evaluate conflicting information and they very reasonably doubt that they will have any ability to influence events, regardless of what they conclude. They therefore tend to adopt the ethos of the armed forces themselves, an ethos that places a very high value on following orders and trusting superior officers.

These characteristics of working-class thinking are entirely understandable and, in many respects, quite admirable. But they present complex difficulties when Democrats try to raise objections or present alternatives to the Bush administration's policies. When Democratic critics attempt to examine the consequences of administration actions and policies from other points of view—taking Arab public opinion into account, for example, or worrying about the views of the leaders and citizens of other countries—they can easily be misperceived as cold and detached outsiders who lack sympathy for the troops. It's a short step from the fact that such critics do not exclusively identify with the men and women in the armed forces to a class-based perception that they are college-educated intellectuals who don't care about ordinary people. And when Democrats criticize the policies of the Bush administration or the missions on which it sends American soldiers, their criticisms, unless carefully stated, can easily be misperceived as an attack on the motives, the actions and the dedication of the troops themselves. The moment this emotional nerve is touched, the actual issue is invariably lost amid a surge of anger against the critics.

In recent weeks, the danger that the Democrats will fall into one or both of these traps has actually increased as President Bush's approval ratings have plummeted. In their haste to capitalize on Bush's suddenly evident vulnerability, Democrats may misinterpret the opinion-poll data to conclude that Americans are increasingly coming to share the views of those who opposed the invasion of Iraq from the beginning. The need to consolidate support from the anti-war wing of the party adds a powerful incentive for candidates

to shift their campaign rhetoric and strategy in this direction.

But the poll data suggest that, while voters have become significantly disillusioned with the administration's handling of the Iraq War, there has been no comparable decline in the support for the military action itself. This is particularly true for working-class voters, who see their patriotic support for the troops as inextricably linked to support for the war in general.

On the one hand, the high-school and college educated were roughly equal in their lowered evaluations of Bush's foreign policy and war on terrorism. But at the same time, when asked whether they would support or oppose war against Iraq "if the U.S. had to do it over again," 59 percent of Americans reaffirmed their support for military action. And in this case, there was a large and dramatic difference between high-school-educated voters, 66 percent of whom continued to support the war, and the college educated, only 53 percent of whom held a similar view. For working-class voters in particular, the growing disillusionment with the administration's handling of the Iraq War is quite distinct from their opinions on war and the military in general. Democrats whose attacks on the administration inadvertently cross the line between these two issues will run the risk of generating intense resentment. This danger is particularly acute because the Republican Party and the con-

from chemical or biological weapons, and for establishing veterans' rights to collect disability.

As a result, there is a profoundly important role that Democrats can play in the coming period: acting as genuine and impassioned advocates for the real needs and aspirations of the men and women in the armed forces. Democratic candidates can and should insist that, unlike the Bush administration, they will resist the temptation to place soldiers' lives at unnecessary risk in future military operations, that they will not subordinate the troops' interests to unilateralist and other ideological goals, that they will take every possible step to ensure that veterans receive all the services to which they are entitled, and that they will respect the soldiers and their families enough to always tell them the full truth about the costs and purposes of the actions to which troops will be committed. There will indeed be circumstances in which American troops must be sent into battle to defend against the threat of terrorism or for humanitarian relief, but Democrats can promise that they will not allow the patriotism of the men and women in the armed forces to be abused as it has been by the Bush administration.

By itself, a political strategy of this kind does not solve the larger problem many Democrats face in convincing working people that a more measured and collaborative approach to the threat of international terrorism would be preferable

## **There is an important role that Democrats can play now: acting as impassioned advocates for the needs and aspirations of the men and women in the armed forces.**

servative media will pounce on any criticisms of the administration that can be interpreted as indifferent to the needs of the troops in the field—and then portray them as an elitist insult to the troops and all working-class people as well.

The Bush administration is profoundly vulnerable to Democratic challenges in this area, however. While the administration's policy entrepreneurs, business executives and political advisers carefully associate Bush with theatrically orchestrated displays of military pageantry, few if any of them actually identify with the soldiers themselves in any meaningful way. Quite the contrary, their attitude toward the troops and their treatment of them reflects a cynical and manipulative view of the men and women in the armed forces.

The most dramatic example of this is the way that the interests of American soldiers were sacrificed in order to accommodate the administration's ideological opposition to international cooperation. For U.S. forces, the administration's failure to agree with other nations on a multinational administration and peacekeeping force in Iraq has resulted in tours of duty that have been extended months beyond what would otherwise have been necessary. The troops have been left, as Sen. Edward Kennedy (D-Mass.) termed it, in "a shooting gallery," and anger, resentment and low morale have been growing as a result. The Bush administration has also failed to enforce a law, passed during the Clinton administration, that requires adequate pre-deployment medical examinations for troops going into combat. Such examinations are vital for diagnosing post-combat disorders, particularly

to the Bush administration's approach. But a strategy of this kind is an absolutely indispensable precondition for any such attempt.

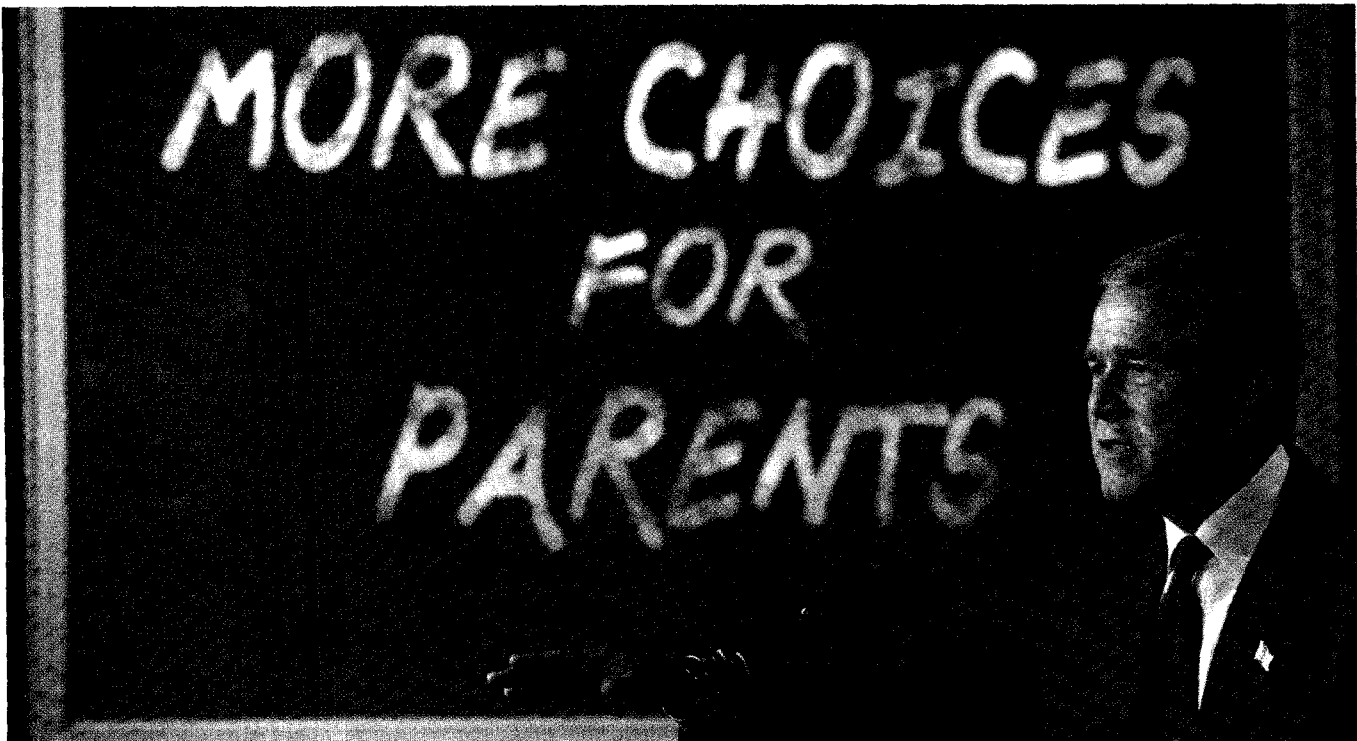
For Democratic candidates in 2004, this approach offers a dramatically different way to challenge the Republicans on military issues and foreign affairs and to reach out to the millions of working-class Americans whose views on these issues are fundamentally shaped by their identification with the men and women of the armed forces. The Republicans, for all their ostentatious association with the symbols and trappings of the military, do not actually act as advocates and defenders of the ordinary enlisted men and women when a choice must be made between the soldiers' best interests and the Republican ideological agenda. This is a role Democrats can, and should, fulfill.

This role of advocacy may be unfamiliar to any Democrat too young to remember the World War II era, when New Deal politicians considered themselves not only the most genuine friends and representatives of the ordinary GI Joes while the war was going on but also, through such programs as the GI Bill, their advocates and champions in peacetime as well. In fact, it was the Democrats' sincere and passionate identification with the needs of the soldiers returning home that consolidated their reputation as the party of the "working man" in the period after World War II. It is an approach that can help the Democrats earn that reputation once again. ■

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# Let Them Eat Words

Linguistic lessons from Republican master strategist Frank Luntz

BY DEBORAH TANNEN

I'M ONE OF MANY DEMOCRATS WHO WATCH IN FRUSTRATION (mixed with a touch of awe) as Republicans win with words, even as the labels they devise for their policies distort or belie the facts. Take the repeal of the estate tax. An "estate" sounds like a large amount of money. Indeed, before President Bush persuaded Congress to legislate a phase out of the estate tax, only the largest 2 percent of estates were subject to this tax. But change the name to "death tax" and many more Americans become sympathetic to repeal. After all, everyone dies. Death is bad enough without being taxed.

How many would get all worked up about an exceedingly rare abortion procedure (that the Alan Guttmacher Institute estimated represents less than one-fifth of 1 percent of all abortions performed in the United States in 2000)? But attach the name "partial-birth abortion" and a second-trimester fetus becomes a half-born baby. Legislation to outlaw the vaguely described medical procedure then becomes another success in chipping away at constitutionally protected abortion rights—as well as a wedge issue to defeat Democratic candidates. According to an insider in Al Gore's 2000 Tennessee campaign, the vice president's opposition to this legislation was one of the factors that turned

many Tennesseans against their home-state candidate.

Who among us wants to call ourselves anti-life? Win the name game and you're more than halfway toward winning the battle. Win enough naming battles and you're on your way to winning the war.

During the 2000 campaign, I was a guest on a radio talk show discussing Republicans' and Democrats' appeals to women voters. A woman called in to say, "I'm for education and I'm for the environment. Bush is for education and Gore is for the environment, so I don't know who to vote for." Beyond the breathtaking oversimplification (reducing a complex set of positions and policies to being "for"), I marveled at the caller's conviction that because George W. Bush had declared himself for education—who on earth is against it?—his policies were necessarily more likely than Al Gore's to improve education for all American children.

Recent news reports are filled with stories of a mounting crisis in public education: teachers fired, new hires frozen, class sizes burgeoning, Head Start threatened, even schools closing because the administration's gigantic tax cuts have caused enormous deficits at the state as well as the federal level—all in the shadow of the shamelessly named No Child

Left Behind Act, which mandates testing and changes the formula for federal aid but provides no new funding to improve the quality of schools or of teaching.

EXPLOITING THE POWER OF LANGUAGE TO PERSUADE, despite the absence of policies to back up the words, is the openly stated goal of Republican strategy as articulated by Frank Luntz, the Republican pollster and tactician who was one of the primary drafters of the GOP's "Contract with America." Luntz tests phrases in focus groups and advises Republicans on how to win votes by changing what they say, not what they do.

The cynicism in Luntz's advice is astonishingly explicit. On the subject of the gender gap, for example, he informed Republican members of Congress that they could woo women with words (no need for troublesome deeds). While acknowledging that women (like the caller to the radio talk show) care about education, he cautions against trying to back up promises with actual programs:

I begin with the premise that we must do no harm. That is, we should not undermine our growing strength among working-class white men (1994 set a modern-day record) in our efforts to reach out and communicate to women. I refuse to advocate an educational strategy that leads to a net loss of votes just to win over a few women and silence a few media critics. It would be unwise and foolish. ...

I do not subscribe to the notion that we must change our substance or create a separate women's agenda. Listening to women and adapting a new language and a more friendly style will itself be rewarded if executed effectively and with discipline.

These excerpts come from a document that Luntz circulated to Republican members of Congress in 1997 titled "The Language of the 21st Century." The section that came to my attention was "Addressing the Gender Gap," but it provides a blueprint reflected in Republicans' rhetoric in other areas as well. Luntz's advice boils down to this: Forget action. Improve your image by revising the way you talk. Let them eat words.

### LUNTZ'S WORDS IN BUSH'S MOUTH

Prominent among the words Luntz advises Republicans to use in their speeches is *children*:

Women consistently respond to the phrase 'for the children' regardless of the context. From balancing the budget to welfare reform, 'for the children' scores highest of all arguments offered. Therefore, rather than creating a 'Compassion Agenda,' Republicans need to create a communication framework that involves children ...

Luntz also advised, "'Conservative' is a more popular label than 'Republican'." Put these pieces of advice together and you get "compassionate conservatism." This is not to claim that Frank Luntz advised George W. Bush directly, but the president's speechwriters seem to have absorbed the lesson. From the beginning of his campaign for the presidency, Bush's speeches have employed the linguistic manipulations that Luntz recommended.

During Bush's presidential campaign, *children* darted in and out and played around in speech after speech. For example, toward the end of a campaign speech to the New

Hampshire Chamber of Commerce, Bush proclaimed, "In all the confusion and controversy of our time, there is still one answer *for our children*." In a speech he delivered in Indianapolis on the economy, children appear 12 times; in the New Hampshire talk, a dizzying 35 times. This last is less surprising because the speech was, after all, about education. But that in itself does not account for the thrumming repetition, not only of the word *children* and its variants but also of the words *heart* and *dream* (three each), *love* (eight times, including *lovely* and *loveless*), and the runner-up, after *children*, *hope* (which, along with *hopeful* and *hopeless*, appeared a whopping total of 10 times).

### STUN THEM WITH FEAR, LURE THEM WITH HOPE

The welter of words that stir emotions—and in particular the word *hope* repeated as an incantation—can also be heard as echoes of Luntz's advice. "Politics remains an *emotional arena*," he writes, "and television has made fear a very salable commodity. But fear alone is not enough. *The commodity Americans most desire—and the one in shortest supply—is hope.*"

First, however, the fear. For example, in his New Hampshire speech on education, Bush reminded parents, "In an American school year there are more than 4,000 rapes or cases of sexual battery, 7,000 robberies and 11,000 physical attacks involving a weapon."

Then, following Luntz's advice that the GOP must "restore the American dream of hope," Bush claimed that the problem with education is not a matter of education per se—surely not a matter of how much funding is made available to schools—but of "the diminished hopes of our current system." He went on: "Safety and discipline are essential. But when we dream for our children,"—there's that phrase "for the children"—"we dream with higher goals. We want them to love learning. And we want them to be rich in character and blessed in ideals."

Bush further declared, "Everyone must have a first-rate education," not because of the value of education itself or because it provides opportunities for upward mobility and escape from poverty but "because there are no second-rate children, no second-rate dreams."

True to Luntz, these emotionally evocative words were backed up by no concrete proposals to make schools better, just the cost-free promise that charities and faith-based organizations would be invited to establish after-school activities on school grounds, and that students who attend dangerous schools "will be given a transfer to ... a safe school." (The practical implications of this proposal are mind-boggling: Would the schools in poor neighborhoods stand empty as their students are bused en masse to wealthier counties?) Bush did propose additional funding—not to hire more teachers or improve schools but for "prosecutors and the [Bureau of Alcohol, Tobacco, Firearms and Explosives]" to prosecute and convict children who bring guns to school.

"IT'S GOVERNMENT'S ROLE TO CREATE AN ENVIRONMENT where everyone can dream and flourish," to "help people ... build and dream." The purpose of prosperity is to "make the American dream touch every willing heart. ... Because changing hearts will change our entire society. The greatness of America is found in the loving and generous hearts of its people."



If you think these exhortations sound like an inspirational sermon, or a seminar led by a New Age guru, you're right. They do sound like that. But in fact they were part of a plea for campaign contributions on the Web site georgew-bush.com. Indeed, just about all of Bush's campaign speeches were studded with hearts. When speaking in Iowa on farm policy, he called agriculture "the heart of our economy." On the military, he proclaimed that we need to tell veterans' stories to the next generation "to raise a monument in their hearts." And just as preachers and inspirational speakers craft their rhetoric to reach an emotional peak toward the end, so, too, did Bush in his campaign speech to the New Hampshire Chamber of Commerce: "[O]ur problems as a nation," he intoned, "... will only be solved by a transformation of the heart and will. This is why a hopeful and decent future is found in hopeful and decent children." This last sentence reflects another Luntz directive: Not only does it give us one *heart*, one *children* and two *hopes*, it looks to the future rather than the past.

### TAKING A TIP FROM CLINTON

At several points, Luntz's "The Language of the 21st Century" pays homage to the public-speaking skills of the Republican Party's nemesis, President Clinton. "When Bill Clinton trumpeted his 'bridge to the future' theme at the Democratic convention," Luntz writes, "it really was over for Bob Dole." Luntz applies this lesson to women voters in particular. "Women want their elected officials to plan for the future, not just live for today," he writes. But again, this doesn't mean that Republicans, when elected, need to actually plan for the future; it's just a prescription for rhetoric. "Every speech must end with your vision of the future," Luntz advises. "Every speech should conclude with the message of 'limitless dreams, unending possibilities and the promise of a better future for ourselves and our children.'" And there it is: Bush's New Hampshire speech ends, "In all the confusion and controversy of our time, there is still one answer for our children. ... If we love our children, this is the path of duty and the way of hope."

By adopting emotional language without changing policies, Luntz tells them, Republicans can have it all: Like Pavlov's dogs, voters will come running if you ring the right verbal bells. When applied to women voters, this advice makes me cringe with particular unease because it's reminiscent of my book *You Just Don't Understand: Women and Men in Conversation*. In it, I explained that many women are frustrated when they tell a husband or boyfriend about a problem and he tells them how to fix it; more often than not, what she's looking for is the reassurance that he's willing to listen and that he understands how she feels. This sounds frighteningly (to me) like what Luntz has to say on the gender gap. He writes: "From getting the kids out of bed, fed and off to school to the demands of work outside the home, women are working longer and harder than ever, and they want to know that their elected representatives understand this. *Tell them. Empathize.* Take the time to let them know

you truly understand what they are going through."

But wait. Understanding may be all that a woman is looking for when telling her husband or boyfriend about something that frustrated her that day. But when they go to the polls to elect a leader, women as well as men are selecting not a soul mate but a public official whose job is to solve at least some of the country's problems—or at least to address them honestly.

I see another parallel, too, between lessons women have learned when their styles contrast with men's and lessons Democrats can learn when their styles contrast with Republicans'. By harnessing the power of language in the absence of action, Republicans have managed to have their cake and eat it, too: On the one hand, they pursue policies that benefit the few; on the other, they garner votes from the many. Perhaps it is the very fact that Democrats have the policies and the record to justify their appeal to the many that they haven't thought as much as Republicans

have about what words will galvanize voters. It's a bit like women who believed that if they did a good job it would be recognized—only to see their male colleagues getting the credit, and the promotions.



Language-meister Luntz

### TRIUMPH THROUGH REPETITION

Recall the excerpts I quoted at the start. Luntz promised that changing words, not works, would be successful "if executed effectively and with discipline." This caveat was not casually tossed out. He cautioned Republicans that "good communication is more than just words, phrases and messages." I'll pause here for a moment to give you a chance to predict how you expect Luntz's next sentence to

read. OK, here it is: "As a party and as a movement, we will fail if we continue to go it alone or change messages daily. We can only succeed when we work together and talk together and stick together as a team. Only through a movement-wide effort and constant repetition can our voices unite in perfect harmony."

Devising labels and phrases that win over audiences, regardless of the facts, is only a beginning. The big trick is getting the labels to stick. And that's where unity and repetition come in. Democrats have long envied the Republicans their party discipline. Now they can add discipline in agreeing on the words and phrases to use when describing the policies that Democrats oppose or support.

Frank Luntz wrote "The Language of the 21st Century" in 1997, before President Clinton succeeded in balancing the budget and President Bush succeeded in creating the largest budget deficit in American history. Now that the tables have turned, Democrats could take Luntz's advice. "We need simply to state: 'We must not mortgage our children's future to pay for the mistakes of today.' We need simply to ask: '*What does this do to the children?*'" ■

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# Framing the Dems

How conservatives control political debate and how progressives can take it back

BY GEORGE LAKOFF

ON THE DAY THAT GEORGE W. BUSH TOOK OFFICE, THE words “tax relief” started appearing in White House communiqués. Think for a minute about the word *relief*. In order for there to be relief, there has to be a blameless, afflicted person with whom we identify and whose affliction has been imposed by some external cause. Relief is the taking away of the pain or harm, thanks to some reliever.

This is an example of what cognitive linguists call a “frame.” It is a mental structure that we use in thinking. All words are defined relative to frames. The relief frame is an instance of a more general rescue scenario in which there is a hero (the reliever), a victim (the afflicted), a crime (the affliction), a villain (the cause of affliction) and a rescue (the relief). The hero is inherently good, the villain is evil and the victim after the rescue owes gratitude to the hero.

The term *tax relief* evokes all of this and more. It presupposes a conceptual metaphor: Taxes are an affliction, proponents of taxes are the causes of affliction (the villains), the taxpayer is the afflicted (the victim) and the proponents of tax relief are the heroes who deserve the taxpayers’ gratitude. Those who oppose tax relief are bad guys who want to keep relief from the victim of the affliction, the taxpayer.

Every time the phrase *tax relief* is used, and heard or read by millions of people, this view of taxation as an affliction and conservatives as heroes gets reinforced.

The phrase has become so ubiquitous that I’ve even found it in speeches and press releases by Democratic officials—unconsciously reinforcing a view of the economy that is anathema to everything progressives believe. The Republicans understand framing; Democrats don’t.

When I teach framing in Cognitive Science 101, I start with an exercise. I give my students a directive: “Don’t think of an elephant.” It can’t be done, of course, and that’s the point. In order not to think of an elephant, you have to think of an elephant. The word *elephant* evokes an image and a frame. If you negate the frame, you still activate the frame. Richard Nixon never took Cognitive Science 101. When he said, “I am not a crook,” he made everybody think of him as a crook.

IF YOU HAVE BEEN FRAMED, THE ONLY RESPONSE IS TO RE-frame. But you can’t do it in a sound bite unless an appropriate progressive language has been built up in advance. Conservatives have worked for decades and spent billions on their think tanks to establish their frames, create the right language, and get the language and the frames they evoke accepted. It has taken them awhile to establish the metaphors of taxation as a burden, an affliction and an unfair punish-

ment—all of which require “relief.” They have also, over decades, built up the frame in which the wealthy create jobs, and giving them more wealth creates more jobs.

Taxes look very different when framed from a progressive point of view. As Oliver Wendell Holmes famously said, taxes are the price of civilization. They are what you pay to live in America—your dues—to have democracy, opportunity and access to all the infrastructure that previous taxpayers have built up and made available to you: highways, the Internet, weather reports, parks, the stock market, scientific research, Social Security, rural electrification, communications satellites, and on and on. If you belong to America, you pay a membership fee and you get all that infrastructure plus government services: flood control, air-traffic control, the Food and Drug Administration, the Centers for Disease Control and so on.

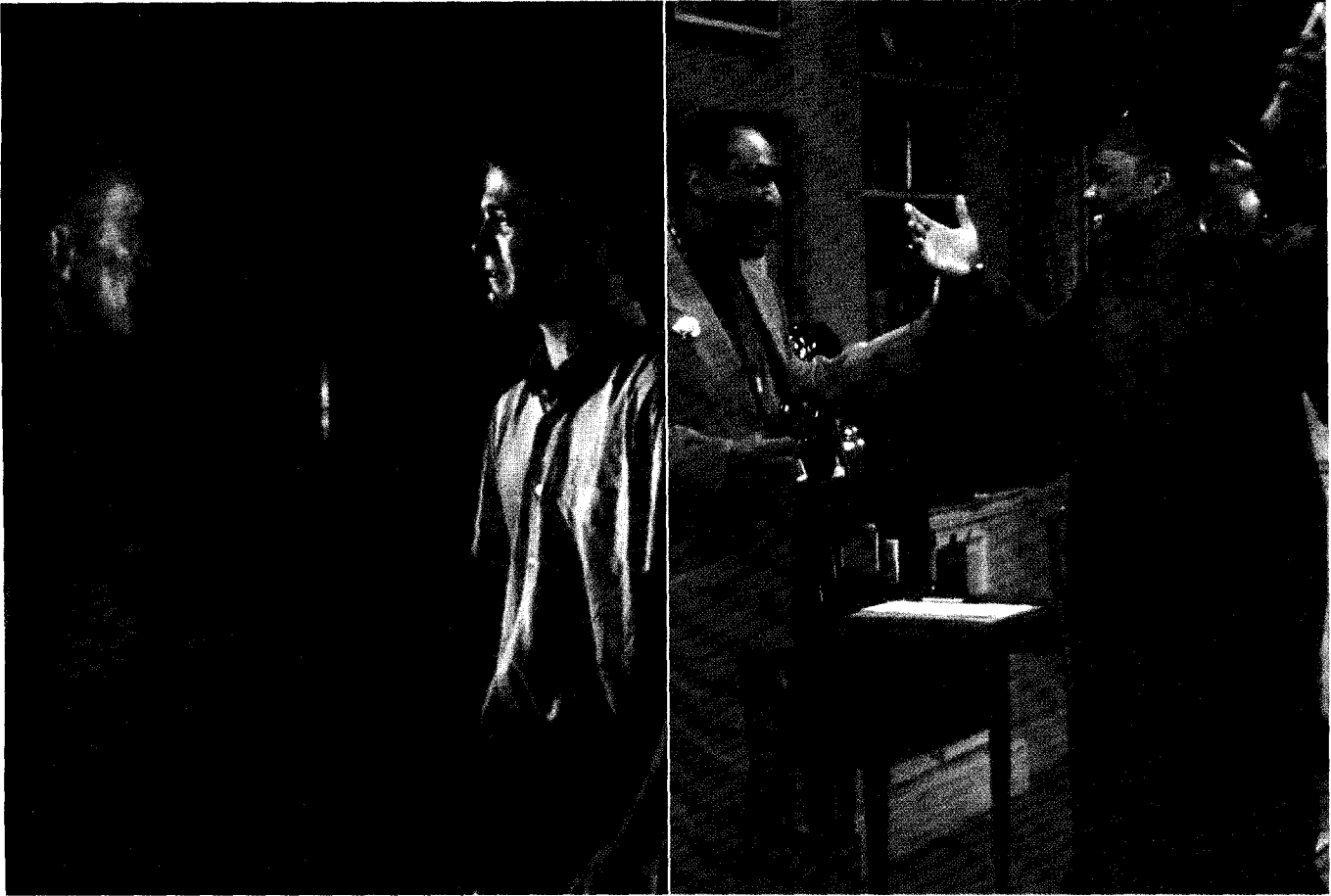
Interestingly, the wealthy benefit disproportionately from the American infrastructure. The Securities and Exchange Commission creates honest stock markets. Most of the judicial system is used for corporate law. Drugs developed with National Institutes of Health funding can be patented for private profit. Chemical companies hire scientists trained under National Science Foundation grants. Airlines hire pilots trained by the Air Force. The beef industry grazes its cattle cheaply on public lands. The more wealth you accumulate using what the dues payers have provided, the greater the debt you owe to those who have made your wealth possible. That is the logic of progressive taxation.

No entrepreneur makes it on his own in America. The American infrastructure makes entrepreneurship possible, and others have put it in place. If you’ve made a bundle, you owe a bundle. The least painful way to repay your debt to the nation is posthumously, through the inheritance tax.

Those who don’t pay their dues are turning their backs on our country. American corporations registering abroad to avoid taxes are deserting our nation when their estimated \$70 billion in dues and service payments are badly needed, for schools and for rescuing our state and local governments.

REFRAMING TAKES AWHILE, BUT IT WON’T HAPPEN IF WE don’t start. The place to begin is by understanding how progressives and conservatives think. In 1994, I dutifully read the “Contract with America” and found myself unable to comprehend how conservative views formed a coherent set of political positions. What, I asked myself, did opposition to abortion have to do with the flat tax? What did the flat tax have to do with opposition to environmental regulations?





Which father would you want: the Great Santini or Bill Cosby?

What did defense of gun ownership have to do with tort reform? Or tort reform with opposition to affirmative action? And what did all of the above have to do with family values? Moreover, why do conservatives and progressives talk past one another, not with one another?

The answer is that there are distinct conservative and progressive worldviews. The two groups simply see the world in different ways. As a cognitive scientist, I've found in my research that these political worldviews can be understood as opposing models of an ideal family—a strict father family and a nurturant parent family. These family models come with moral systems, which in turn provide the deep framing of all political issues.

### THE STRICT FATHER FAMILY

In this view, the world is a dangerous and difficult place, there is tangible evil in the world and children have to be made good. To stand up to evil, one must be morally strong—disciplined.

The father's job is to protect and support the family. His moral duty is to teach his children right from wrong. Physical discipline in childhood will develop the internal discipline adults need to be moral people and to succeed. The child's duty is to obey. Punishment is required to balance the moral books. If you do wrong, there must be a consequence.

The strict father, as moral authority, is responsible for

controlling the women of the family, especially in matters of sexuality and reproduction.

Children are to become self-reliant through discipline and the pursuit of self-interest. Pursuit of self-interest is moral: If everybody pursues his own self-interest, the self-interest of all will be maximized.

Without competition, people would not have to develop discipline and so would not become moral beings. Worldly success is an indicator of sufficient moral strength; lack of success suggests lack of sufficient discipline. Those who are not successful should not be coddled; they should be forced to acquire self-discipline.

When this view is translated into politics, the government becomes the strict father whose job for the country is to support (maximize overall wealth) and protect (maximize military and political strength). The citizens are children of two kinds: the mature, disciplined, self-reliant ones who should not be meddled with and the whining, undisciplined, dependent ones who should never be coddled.

This means (among other things) favoring those who control corporate wealth and power (those seen as the best people) over those who are victims (those seen as morally weak). It means removing government regulations, which get in the way of those who are disciplined. Nature is seen as a resource to be exploited. One-way communication translates into government secrecy. The highest moral value is to preserve and

extend the domain of strict morality itself, which translates into bringing the values of strict father morality into every aspect of life, both public and private, domestic and foreign.

America is seen as more moral than other nations and hence more deserving of power; it has earned the right to be hegemonic and must never yield its sovereignty, or its overwhelming military and economic power. The role of government, then, is to protect the country and its interests, to promote maximally unimpeded economic activity, and maintain order and discipline.

From this perspective, conservative policies cohere and make sense as instances of strict father morality. Social programs give people things they haven't earned, promoting dependency and lack of discipline, and are therefore immoral. The good people—those who have become self-reliant through discipline and pursuit of self-interest—deserve their wealth as a reward. Rewarding people who are doing the right thing is moral. Taxing them is punishment, an affliction, and is therefore immoral. Girls who get pregnant through illicit sex must face the consequences of their actions and bear the child. They become responsible for the child, and social programs for pre- and postnatal care just make them dependent. Guns are how the strict father protects his family from the dangers in the world. Environmental regulations get in the way of the good people, the disciplined ones pursuing

protection, fairness, cooperation, open communication, competence, happiness, mutual respect and restitution as opposed to retribution.

In this view, the job of government is to care for, serve and protect the population (especially those who are helpless), to guarantee democracy (the equal sharing of political power), to promote the well-being of all and to ensure fairness for all. The economy should be a means to these moral ends. There should be openness in government. Nature is seen as a source of nurture to be respected and preserved. Empathy and responsibility are to be promoted in every area of life, public and private. Art and education are parts of self-fulfillment and therefore moral necessities.

Progressive policies grow from progressive morality. Unfortunately, much of Democratic policy making has been issue by issue and program oriented, and thus doesn't show an overall picture with a moral vision. But, intuitively, progressive policy making is organized into five implicit categories that define both a progressive culture and a progressive form of government, and encompass all progressive policies. Those categories are:

**Safety.** Post-September 11, it includes secure harbors, industrial facilities and cities. It also includes safe neighborhoods (community policing) and schools (gun control); safe water, air and food (a poison-free environment); safety on the

**A progressive vision must cut across the usual program and interest-group categories.**

**What we need are strategic initiatives that change many things at once.**

their own self-interest. Nature, being lower on the moral hierarchy, is there to serve man as a resource. The Endangered Species Act gets in the way of people fulfilling their interests and is therefore immoral; people making money are more important than owls surviving as a species. And just as a strict father would never give up his authority, so a strong moral nation such as the United States should never give up its sovereignty to lesser authorities. It's a neatly tied-up package.

Conservative think tanks have done their job, working out such details and articulating them effectively. Many liberals are still largely unaware of their own moral system. Yet progressives have one.

### THE NURTURANT PARENT FAMILY

It is assumed that the world *should be* a nurturant place. The job of parents is to nurture their children and raise their children to be nurturers. To be a nurturer you have to be empathetic and responsible (for yourself and others). Empathy and responsibility have many implications: Responsibility implies protection, competence, education, hard work and social connectedness; empathy requires freedom, fairness and honesty, two-way communication, a fulfilled life (unhappy, unfulfilled people are less likely to want others to be happy) and restitution rather than retribution to balance the moral books. Social responsibility requires cooperation and community building over competition. In the place of specific strict rules, there is a general "ethics of care" that says, "Help, don't harm." To be of good character is to be empathetic and responsible, in all of the above ways. Empathy and responsibility are the central values, implying other values: freedom,

job; and products safe to use. Safety implies health—health care for all, pre- and postnatal care for children, a focus on wellness and preventive care, and care for the elderly (Medicare, Social Security and so on).

**Freedom.** Civil liberties must be both protected and extended. The individual issues include gay rights, affirmative action, women's rights and so on, but the moral issue is freedom. That includes freedom of motherhood—the freedom of a woman to decide whether, when and with whom. It excludes state control of pregnancy. For there to be freedom, the media must be open to all. The airwaves must be kept public, and media monopolies (Murdoch, Clear Channel) broken up.

**A Moral Economy.** Prosperity is for everybody. Government makes investments, and those investments should reflect the overall public good. Corporate reform is necessary for a more ethical business environment. That means honest bookkeeping (e.g., no free environmental dumping), no poisoning of people and the environment and no exploitation of labor (living wages, safe workplaces, no intimidation). Corporations are chartered by and accountable to the public. Instead of maximizing only shareholder profits, corporations should be chartered to maximize stakeholder well-being, where shareholders, employees, communities and the environment are all recognized and represented on corporate boards.

The bottom quarter of our workforce does absolutely essential work for the economy (caring for children, cleaning houses, producing agriculture, cooking, day laboring and so on). Its members have earned the right to living wages and health care. But the economy is so structured that they can-



not be fairly compensated all the time by those who pay their salaries. The economy as a whole should decently compensate those who hold it up. Bill Clinton captured this idea when he declared that people who work hard and play by the rules shouldn't be poor. That validated an ethic of work, but also of community and nurturance.

**Global Cooperation.** The United States should function as a good world citizen, maximizing cooperation with other governments, not just seeking to maximize its wealth and military power. That means recognizing the same moral values internationally as domestically. An ethical foreign policy means the inclusion of issues previously left out: women's rights and education, children's rights, labor issues, poverty and hunger, the global environment and global health. Many of these concerns are now addressed through global civil society—international organizations dedicated to peacekeeping and nation building. As the Iraq debacle shows, this worldview is not naive; it is a more effective brand of realism.

**The Future.** Progressive values center on our children's future—their education, their health, their prosperity, the environment they will inherit and the global situation they will find themselves in. That is the moral perspective. The issues include everything from education (teacher salaries, class size, diversity) to the federal deficit (will they be burdened with our debt?) to global warming and the extinction of species (will there still be elephants and bananas?) to health (will their bodies be poisoned as a result of our policies, and will there be health care for them?). Securing that future is central to our values.

THESE ARE THE CENTRAL THEMES OF A PROGRESSIVE POLITICS that comes out of progressive values. That is an important point. A progressive vision must cut across the usual program and interest-group categories. What we need are strategic initiatives that change many things at once. For example, the New Apollo Program—an investment of hundreds of billions over 10 years in alternative energy development (solar, wind, biomass, hydrogen) is also a jobs program, a foreign-policy issue (freedom from dependence on Middle East oil), a health issue (clean air and water, many fewer poisons in our bodies) and an ecology issue (cleans up pollution, addresses global warming). Corporate reform is another such strategic initiative.

### PROMOTING A PROGRESSIVE FRAME

To articulate these themes and strategic initiatives, using government as an instrument of common purpose, we have to set aside petty local interests, work together and emphasize what unites us. Defeating radical conservatism gives us a negative impetus, but we will not succeed without a positive vision and cooperation.

An unfortunate aspect of recent progressive politics is the focus on coalitions rather than on movements. Coalitions are based on common self-interest. They are often necessary but they are usually short term, come apart readily and are hard to maintain. Labor-environment coalitions, for example, have been less than successful. And electoral coalitions with different interest-based messages for different voting blocks have left the Democrats without a general moral vision. Movements, on the other hand, are based on shared values, values that define who we are. They have a better chance of

being broad-based and lasting. In short, progressives need to be thinking in terms of a broad-based progressive-values movement, not in terms of issue coalitions.

It is also time to stop thinking in terms of market segments. An awful lot of voters vote Democratic because of who they are, because they have progressive values of one kind or another—not just because they are union members or soccer moms. Voters vote their identities and their values far more than their self-interests.

PEOPLE ARE COMPLICATED. THEY ARE NOT ALL 100 PERCENT conservative or progressive. Everyone in this society has *both* the strict and nurturant models, either actively or passively—actively if they live by those values, passively if they can understand a story, movie or TV show based on those values. Most voters have a politics defined almost exclusively by one active moral worldview.

There are certain numbers of liberals and conservatives, of course, who are just not going to be swayed. The exact numbers are subject to debate, but from talking informally to professionals and making my own best guesses, I estimate that roughly 35 percent to 39 percent of voters overwhelmingly favor the progressive-Democratic moral worldview while another 35 percent to 38 percent of voters overwhelmingly favor the conservative-Republican moral worldview.

The swing voters—roughly 25 percent to 30 percent—have *both* worldviews and use them actively in different parts of their lives. They may be strict in the office and nurturant at home. Many blue-collar workers are strict at home and nurturant in their union politics. I have academic colleagues who are strict in the classroom and nurturant in their politics.

Activation of the progressive model among swing voters is done through language—by using a consistent, conventional language of progressive values. Democrats have been subject to a major fallacy: Voters are lined up left to right according to their views on issues, the thinking goes, and Democrats can get more voters by moving to the right. But the Republicans have not been getting more voters by moving to the left. What they do is stick to their strict ideology and activate their model among swing voters who have both models. They do this by being clear and issuing consistent messages framed in terms of conservative values. The moral is this: Voters are not on a left-to-right line; there is no middle.

Here is a cognitive scientist's advice to progressive Democrats: Articulate your ideals, frame what you believe effectively, say what you believe and say it well, strongly and with moral fervor.

Reframing is telling the truth as we see it—telling it forcefully, straightforwardly and articulately, with moral conviction and without hesitation. The language must fit the conceptual reframing, a reframing from the perspective of progressive values. It is not just a matter of words, though the right ones are needed to evoke progressive frames.

And stop saying "tax relief." ■

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# The Liberal Label

The substance is alive and well, but the brand is in trouble.

BY GEOFFREY NUNBERG

*"The masquerade is over; it's time to ... use the dreaded 'L' word, to say the policies of our opposition ... are liberal, liberal, liberal."*

—RONALD REAGAN, 1988

SINCE THE 1930S, THE LANDSCAPE OF AMERICAN POLITICAL discourse has been framed by the words *liberal* versus *conservative*. In this era, U.S. commentators first began to speak of American politics in terms of the spectrum of left, right and center, words previously used chiefly to describe foreign politics or the factions of radical movements. It was in the same New Deal period, too, that liberal and conservative were settled on as what Franklin Roosevelt described in 1941 as the "two general schools of political belief" of representative government.

American political language may evolve along with changing issues and positions. But the background landscape can only be altered surreptitiously, while preserving the illusion of continuity and symmetry.

There's no more impressive example of using language to alter substance than the right's success in turning liberal into a disparaging word. The decline of the label has had a lot to do with the changing political climate, of course, but it has also been the victim of a kind of negative branding: People have more misgivings about the name than about what it stands for.

A recent CBS/*New York Times* poll showed that just 22 percent of respondents were willing to describe themselves as liberal, against 35 percent who described themselves as conservatives. A separate survey showed that just 11 percent believed the president's tax cuts were very likely to create new jobs. And by 46 percent to 36 percent, respondents felt that Democrats would do a better job than Republicans at making the tax system fair. In short, a lot of people who call themselves moderates hold what most would describe as liberal views.

Even so, the negative branding of the liberal label has had serious consequences for Democrats. Few politicians on the Democratic left will volunteer a liberal allegiance; when pressed, they tend to dismiss the significance of labels in general, paraphrase their way around the word or accept the label with a certain defensiveness ("If being a liberal means a balanced budget, I'm a liberal," Dr. Dean said.).

The stigmatization of the liberal label puts even moderate Democrats in a bind because it leaves them without a philosophical reference point. In the press, middle-of-the-road Democrats are overwhelmingly more likely to be described as centrist than as moderate, whereas middle-of-the-road Republicans are usually termed moderates. That is, the press tends to position Democrats on the left-right spectrum, whereas Republicans are positioned relative to their party's

underlying conservative philosophy. It's no wonder many people are not sure exactly what the Democratic Party stands for.

"Branding" refers to the process of turning connotations into denotations. At the outset, words such as *liberal* or *conservative* have what semanticists would call "attributive" definitions—they simply mean "one who believes or advocates such and such." Over time, though, a label may be associated with various connotations and stereotypes until it ultimately becomes "referential" rather than attributive—its definition is less a matter of "one who believes" than of "that sort of person."

Historically, that shift has been the fate of such labels as Tory, anarchist and Bolshevik. But the democratic left has always been susceptible to a particularly complicated kind of social stereotyping. Bourgeois conservatives and proletarian radicals wear their class interests on their sleeves, but someone seeking to discredit the motives of middle-class leftists has to point to another sort of explanation, claiming they're really driven by social pretension, condescension or effete sentimentality.

Charges such as these have been fixtures of the American right's pseudo-populism since the 1840 presidential campaign. The intellectually challenged William Henry Harrison was an Ohioan from an aristocratic Virginia background; the Whigs successfully repackaged him as a cider-sipping frontiersman in the Jacksonian mode while describing his Democratic opponent, Martin van Buren, as an effete easterner who put cologne on his whiskers and was "laced up in corsets such as women in town wear."

In the 1920s, the right's depiction of the democratic left was summed up in the phrase "parlor pink," a phrase that managed to convey bourgeois affectation, ideological timidity and effeminacy all at the same time. (The variant "pinko" was coined by *Time* magazine in the 1920s.) And by the McCarthy period, a helping of anti-eggheadism was added to the mix: William F. Buckley famously quipped that he would rather be governed by the first 2,000 names in the Boston phone book than the entire Harvard University faculty.

Liberal stereotyping took a new form in the 1960s, as Vietnam and the emergence of new social issues created new class antagonisms. To many working-class Americans, middle-class liberals seemed hostile to traditional conceptions of patriotism, personal morality and the family, and liberal support for school busing seemed hypocritical coming from people in white suburbs or private schools. The term "limousine liberal" first surfaced during John Lindsay's 1969 New York mayoral campaign, where the conflict was cast as a clash between affluent Manhattan reformers and New York's work-





ing-class outer boroughs. By the 1970s, lifestyle and consumer preferences were becoming the surrogates for social class and ideology. When first coined, phrases such as “Volvo liberals” were as likely to be used by movement leftists as by the right. But within a few years, the right was using those phrases to tar liberals with a kind of guilt by brand association.

The brand image of the Volvo—an ugly car from socialist Sweden that people bought simply because it was safe, and whose name had a serendipitously gynecological resonance—was ideal for this sort of stereotyping. So were white wine, quiche, brie and later *caffe latte*, all soft and light comestibles with effete connotations.

It’s no accident that phrases such as “chardonnay liberal” became common as the gender gap began to emerge and men started to desert the Democratic Party in large numbers. Those phrases didn’t simply recast the old feminized stereotypes of liberals in terms of exotic products that are rarely found on the shelves of Rust Belt grocery stores. Once you turn political orientation into a kind of consumer preference, rather than a deep, class-based judgment, it’s natural to see it as a decision that men and women feel free to make independently, even if they’re in the same household. He drives a Chevy Avalanche and drinks long-neck beer; she drives a Toyota Echo and drinks white wine. Why shouldn’t they vote for different parties as well?



In truth, those stereotypes had little basis in reality. Upscale urban consumers may favor products such as brie and chardonnay, but the preferences have no political significance. In fact, an article in *American Demographics* reports that the great majority of brie consumers are moderate Republicans—not surprising, perhaps, considering their incomes. In the luxury marketplace, demographics always trumps ideology.

The new stereotypes are plays on pure brand aura. They’re meant to connote what the *National Review*’s Richard Lowry describes as the “‘tall-skim-double-mocha latte, please’ culture of contemporary America,” and if the latte-sipping classes actually contain large numbers of conservative Republicans, they’ll presumably contain their objections. Not long ago, Lowry recast Buckley’s aphorism in consumerist terms, saying, “I would rather be governed by 2,000 motorcycle riders than all the Volvo drivers in the United States.” The reformulation is revealing, and not just about Lowry’s inner life—it suggests that consumer choices have become the most reliable indications of temperament and character.

From a semantic point of view, this negative branding campaign has largely succeeded in changing the meaning of the word *liberal* itself. In major newspapers, for example, the phrases “middle-class liberals” and “middle-class Democrats” are used with about the same frequency. But the phrase “working-class liberals” is almost nonexistent; it’s outnumbered by “working-class Democrats” by about 30-to-1. And while “white liberals” is used about as frequently as “white Democrats,” the phrase “black Democrats” outnumbers “black liberals” by better than 15-to-1. The patterns are similar if you plug in “African American,” “Latino” and the like.

By contrast, the press refers to working-class conservatives as frequently as it does to working-class Republicans—and far more frequently than it refers to working-class liberals. And there are five times as many references to black conservatives as to black liberals, though references to black Democrats vastly outnumber references to black Republicans. The implication is that unlike conservatives, liberals are rarely found among minorities or the working class. When

those groups vote Democratic, it's presumably out of narrow self-interest or traditional party loyalty rather than because of any underlying ideological commitment. From that point of view, the political attitudes that make someone a liberal are simply the outward expression of a particular social identity, no different from a predilection for granite countertops or bottled water. For all intents and purposes, *liberal* has become as much a referential term as *Bolshevik* was.

HOW CAN LIBERALS—AND DEMOCRATS IN GENERAL—respond to this? Many have simply opted to bail out on the liberal label, something like what the Ford Motor Company did in 1960 when it discontinued the Edsel line but continued to market the same car with a different grille under the name of Galaxy. In his 1992 presidential bid, Sen. Tom Harkin announced that America needed a “populist and progressive” leader. I recall thinking at the time that *progressive* wasn't likely to catch on generally as a replacement for *liberal*. Even if few people still had memories of Henry Wallace's 1948 presidential bid, progressive seemed too redolent of the left's disdain for mealy-mouthed corporatist liberalism—a word you'd encounter on Pacifica but not on National Public Radio.

But the progressive label has become twice as frequent in the press since then, and its associations are increasingly mainstream. Not long ago, California Gov. Gray Davis said he was confident that he would prevail in next fall's recall vote because, “I don't think they're going to replace my progressive agenda with a conservative agenda”—this from a Democrat who rarely cruises in the party's left lane. And in *The Emerging Democratic Majority*, John B. Judis and Ruy Teixeira argue that the Democrats are becoming “the new

party of progressive centrism,” a phrase that happily suggests both the 19th- and 21st-century senses of progressive.

There's a lot to be said for progressive: It conveys the right message to sophisticated left-of-center voters without connoting anything negative to the majority of the electorate. (To most, it still doesn't connote much of anything at all.) In fact, the word has been turning up more frequently in the pages of conservative publications such as the *National Review*, very often set in quotation marks, the refuge of those who have allowed the other side to stake out the linguistic territory.

But the branding of liberals can't be undone simply by getting rid of the name. You also have to dispel the fatuous archetypes that have accumulated around it—archetypes whose purpose, as Peter Viereck put it 40 years ago, is to make people ashamed of generous social impulses. And the right couldn't have succeeded in its branding campaign if liberal Democrats hadn't left themselves vulnerable to it by failing to address many of the concerns of working-class Americans.

Whatever word it ultimately goes by, liberalism can't reclaim its good name simply by remarketing the same product with new slogans and a NASCAR-approved grille. It has to reinvent language as well as program to convey a sense of fairness, strength, pride and common purpose, and to reconnect with people who no longer feel it has any relevance to their lives. That's a challenging task. But as the other contributions to this section point out, liberals have rarely had such a plenitude of opportunities to make their points. ■

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Against the tide (1): The SEIU has built up its janitors union.

# Organize or Die

Three progressive union presidents—with some surprising allies—are out to transform American labor.

BY HAROLD MEYERSON

IT WAS ONE OF THOSE AWKWARD MEETINGS THAT NOBODY looked forward to, and it produced an outcome nobody really liked. On Tuesday, Aug. 5, the executive council of the AFL-CIO turned its attention to the vexing question of what to do with the Carpenters. The union had withdrawn from the labor federation in 2001, with its maverick president, Doug McCarron, complaining that the AFL-CIO was frittering away his members' money on projects other than helping unions organize. The rift had widened in recent years as McCarron kept showing up alongside George W. Bush, finding virtues in the president that eluded his fellow union leaders.

But despite all that, the Carpenters were still a functioning member of the AFL-CIO's Building and Construction Trades Council, working harmoniously with other building-trades unions at construction sites and on matters of jurisdiction and organizing. Problem was, this was a clear violation of the AFL-CIO's constitution, which banned unions that didn't pay federation dues from belonging to a federation-sponsored council. AFL-CIO President John Sweeney had been telling executive council members he'd be compelled to ask them to sever the Carpenters' ties to the Building Trades. He'd announced that he planned to call the question at the August meeting.

On the very eve of the meeting, however, the Building Trades union presidents unceremoniously presented Sweeney with a unanimous resolution demanding that the date he'd proposed for the Carpenters to pay up or leave, Sept. 15, be pushed back a bit—to 2005. Sweeney was un-

derstandably stunned; this was the most direct affront to his authority since he'd become president in 1995. In the end, the matter was deferred indefinitely.

But the unkindest cut came from a couple of union presidents who at first glance were close Sweeney allies, seemingly with no reason to indulge McCarron's defiance, much less his playing footsie with Bush. Yet John Wilhelm, president of the Hotel Employees and Restaurant Employees International Union (HERE), and Andrew Stern, Sweeney's protégé and successor as president of the Service Employees International Union (SEIU), spoke forcefully for the Building Trades' position during the meeting.

Stern, Wilhelm and their colleague Bruce Raynor, president of the Union of Needletrades, Industrial and Textile Employees (UNITE), were the executive council's left wing. Each had come out of the '60s left and brought its values into the labor movement. Each had made his reputation in the hardest job—organizer—the movement can offer. And each had revived a tradition of militant direct action in organizing campaigns. Together, they had persuaded their council colleagues to reverse the federation's longstanding opposition to immigrant workers and, in fact, had turned the house of labor into the immigrants' foremost advocate.

And now they were defying John Sweeney—a man who, as president of the SEIU before Stern, had been the pre-eminent union leader of the generation before them to successfully organize new members; who'd preached the gospel

of organizing, *their* gospel; who'd painstakingly rebuilt the AFL-CIO's ties to other progressive social movements. All on behalf of Doug McCarron, who'd spent the last two Labor Days with George W. Bush. What the hell was going on?

As it turns out, plenty.

IN FACT, STERN, WILHELM AND RAYNOR HAVE EMBARKED on an urgent campaign to transform the American labor movement. Convinced that the movement cannot survive without greatly increasing the number of workers it organizes, they have made common cause with union leaders across the political spectrum who believe as they do in organizing—most particularly McCarron and Laborers International President Terence O'Sullivan. They hope to change the way labor organizes and the way the AFL-CIO assists its member unions to that end. The five presidents routinely speak to one another's conventions and meet together frequently. (The *Prospect*, a nonprofit publication, receives contributions from a wide range of sources, including some of the labor unions mentioned in this article.)

The three progressive presidents are exotic creatures within America's union leadership. For one thing, all are Ivy Leaguers (Wilhelm graduated from Yale, Raynor from Cornell, Stern from Penn). "They were middle-class college kids who are still driven by their ideology and their politics,"

south and organize," Raynor recalls. Organizing biracial plants in the rural South was one of harder jobs on the planet, but Raynor persevered. He started leafleting at Cannon Mills in 1974, and it wasn't until 1999 that the union won recognition there. Organizing American clothing and textile workers during the age of globalization, however, has been a bit like building sandcastles at the beach; this July, Cannon Mills announced it was closing its plants and going out of business.

Raynor became president of UNITE in 2001, and since that time UNITE has been one of a handful of private-sector unions that has managed to keep organizing in its sector. Over the past couple of years, UNITE has waged an ambitious campaign to organize the industrial laundries that provide and clean uniforms. To date, it's organized about a quarter of the industry and is currently attempting to unionize Cintas, the industry's largest company.

Stern started out at a welfare workers' union in Pennsylvania, which subsequently affiliated with the SEIU. In the early '80s, then-SEIU President John Sweeney made him the union's organizing director, in which capacity he ran one of the most remarkable organizing drives in recent decades, the Justice for Janitors campaign. The SEIU's growth only accelerated when Stern became president in 1996. While virtually every other union has either lost members or barely held its own, the SEIU under Stern has grown by a stunning

## **"Many of us feel that the AFL-CIO doesn't have enough focus to help unions with their strategic growth and politics," says SEIU President Andrew Stern.**

says longtime associate Henry Bayer, who heads up the American Federation of State, County and Municipal Employees (AFSCME) in Illinois. Each was active in and partly shaped by the civil-rights and anti-war movements. What makes the Ivy Three truly exotic, however, is that they rose to power on the strength of their records as organizers, a background that has not been a path to union presidency since the 1930s and '40s.

Wilhelm, upon graduating Yale, responded to an ad for an organizing job that promised endless hours and no material rewards. He was hooked, and in short order was organizing clerical workers at his alma mater. HERE then sent him to Las Vegas, where, over a 15-year period, he organized virtually every hotel on the Strip, increasing the size of the local union from 10,000 members to 60,000. Part of his formula was forging a militant local—during a nearly seven-year strike at the Frontier Hotel, not a single one of the several hundred striking union members crossed the picket line. But he also persuaded union members at hotels already under contract to make concessions on things like work rules in return for winning the right to organize workers at new hotels under the same ownership. In other words, he taught his members the meaning of market share—if all the hotels were unionized, they could win much better contracts. And they did: Much of the huge housing boom in Las Vegas is the direct result of the fact that Vegas is the only American city where such service-sector workers as hotel chambermaids can afford to buy homes.

Raynor came out of Cornell and into what was then the Textile Workers Union. "[Union President] Sol Stettin told me that if I wanted to change things in America, I should go

535,000 new members so that it is now, at 1.5 million members, the largest union in the federation. The SEIU has had notable successes organizing home-care, nursing-home and hospital workers, and has continued to organize the janitors who clean America's office buildings.

Just as notable as the SEIU's success is the way it's been achieved. At Stern's prodding, the union now devotes about half its budget to organizing. The SEIU has hired hundreds of young people off college campuses or from community organizing groups to staff its campaigns. As existing staffers have been reassigned to organizing, locals have often had to train members to do the work of servicing their fellow members that the paid staff had previously performed.

The redirection of resources and the concomitant restructuring of the union and redefinition of a staffer's job have become commonplace among the unions—UNITE and HERE among them—devoted intensely to organizing. But of the 66 unions that belong to the AFL-CIO, only a relative handful—surely no more than 10—are really organizing at all. From its 1953 high of 35 percent, the rate of unionization of American workers has fallen in every year but one, currently to 13 percent overall and to just 9 percent in the private sector.

In 1995, Sweeney campaigned for the AFL-CIO presidency on a two-plank platform: He would revitalize American labor's political clout and he'd turn around the four-decade decline in the rate of union membership. He succeeded at the first task admirably: Voters from union households, who represented just 14 percent of the electorate in 1994, constituted 26 percent in 2002. The figure is all the more striking because the share of the workforce



that's unionized has continued to drop during his tenure.

Sweeney can't be accused of failing to exhort the federation's unions to organize. He established the Union Summer program to introduce college students to the joys of organizing, and thousands responded. He also boosted the size of the Organizing Institute, which trains union members and staffers in the organizer's art.

But the structure of the American labor movement is largely feudal, with the dukes and counts—the presidents of the various international unions—controlling the resources while the nominal king relies chiefly on the power of persuasion. And many of the dukes and counts have been unwilling or unable to do the excruciating work of retooling their unions for organizing.

"In a lot of the trades," says Laborers President O'Sullivan, who has shifted his own union into organizing mode, "there's this mind-set: 'I've got all my members working, so I'm happy.' Once the last guy was off the bench, we thought our job was done. But we may have 5 percent market share. Now we realize that we can get all our members off the bench and still be insignificant when we go to negotiate wages and benefits."

The root of both Sweeney's success and his failure, says Wilhelm, is structural. "There's no consensus within labor on the role of the AFL-CIO in organizing," Wilhelm explains, "while there is a consensus on its role in national politics." Into this void the troika of Stern, Wilhelm and Raynor have galloped with their own strategic vision. All three believe that the labor movement should be restructured sectorally, which runs against the grain of what has become a common practice for many unions. Because public employees don't run the same risk of being fired for joining unions that private-sector workers do, many unions have concluded that they should shift their organizing efforts to the public sector. A number of private-sector unions have largely abandoned organizing efforts in their core industries to go after employees at public universities and hospitals.

A few years ago, Stern argued to his colleagues that sectoral distinctions made more sense—that, for instance, the SEIU and a few other unions would organize in health care, where they had experience and expertise, while others would concentrate on other industries. This met with a cool reception from, among others, presidents unenthusiastic about the prospects of organizing in anemic manufacturing industries. But Wilhelm and Raynor embraced the notion, and, indeed, the three unions, with their members' consent, have swapped a few locals that were outside their jurisdictions.

The gang of three, and allies such as O'Sullivan, believe unions will be unable to deliver for their members in collec-



Against the tide (II): HERE has organized the Vegas Strip hotels.

tive bargaining, or ultimately recruit new ones, unless they achieve high levels of union membership within their sector. SEIU strategist Stephen Lerner points to the gains in health coverage that janitors won this spring, while many American workers were seeing their employers cut back on their coverage. "Union density trumped a bad economy," he says.

THUS THE ODD-COUPLE ALLIANCE BETWEEN LABOR'S LEFT-most leaders and the Laborers—and the Carpenters. Indeed, no two presidents have more radically restructured their unions than Stern and McCarron. Both have reduced the percentage of resources spent on servicing existing members to free more resources for organizing new ones. Both have reshaped locals—over considerable opposition, in McCarron's case—into larger units more capable of organizing. Both are apostles of organizing to drive up market shares, and disdainful of organizing that doesn't accomplish that end.

Beyond that, Stern, Wilhelm, Raynor, O'Sullivan and McCarron share a common vision of how the AFL-CIO should tackle the organizing challenge. At a 2001 executive council meeting, federation staffers presented a devastating report on the decline of union membership in industry after in-

dustry. At its conclusion, Wilhelm suggested reallocating federation resources to address the problem: 75 percent of the AFL-CIO's budget should be split equally between politics and organizing, with the remaining 25 percent allocated to other programs that contributed to those goals.

The suggestion went nowhere, but it was indicative of the strategic approach of Wilhelm's group. "Many of us feel that the AFL-CIO provides too many services that international unions should provide themselves and doesn't have enough focus to help unions with their strategic growth and politics," Stern says.

He notes, for example, that real-estate investment trusts (REITs) own many office buildings and hotels, and that many union pension funds are invested in REITs. Why not expand the federation's "capital strategies" program? Stern asks. "Look at REITs and find a way [to bring pension fund pressure] to organize markets, construction sites, office buildings and hotels," he says. "Right now, John [Wilhelm] is looking at hotels, Doug [McCarron] is looking at building sites and I'm looking at janitors." Often, the same companies own the hotels and office buildings, but says Stern, "our thinking is compartmentalized."

But there's no consensus among union presidents to expand the AFL-CIO's capital strategies department. And this bottleneck is indicative of a larger fragmentation rooted both in personal rivalries and principled differences that sometimes disables the broader project of energizing the labor movement.

The three presidents share what AFSCME strategist Paul Booth terms, somewhat critically, "a powerful impatience." Their attitude, he says, is, "It's our turn to see if we can have an impact on this big problem, and please don't slow us down because we may not have too much longer on our watch to make the impact that needs to be made." The impatience is fed by decline, but I'm not prepared to credit it as the right way to do things."

Neither is Larry Cohen, the executive vice president of the Communications Workers of America (CWA) and another of American labor's leading organizers. Like Booth, Cohen goes back a long way with the troika. (He met Stern at Penn in 1970.) "I don't like conversations about market share or union density," he says. "In the early days, people started their own unions. Do we really think that unions need to hire more organizers, and that their background doesn't matter so long as they're smart? Unions are about work and workplaces." Indeed, the CWA uses members as organizers more heavily than unions like the SEIU. "I applaud SEIU," Cohen adds, "but they end up focusing more on competence than on workers' ownership" of the union.

There is, to be sure, a price to be paid in the conversion of a union to the kind of organizing machine that a Stern or McCarron builds. Smaller locals may make it harder to organize workers, but they develop more rank-and-file leaders, another important tool in building a strong union. Still, at a time of long-term decline in membership, it's hard to argue with the 535,000 new members that the SEIU has added on Stern's watch.

COHEN ALSO CRITICIZES THE ODD POLITICAL ALLIANCE THAT has arisen between Stern, Wilhelm and Raynor on the left and O'Sullivan, McCarron and the Teamsters' James P. Hoffa—whose unions have many Republican members—on the right. At a recent Republican Congressional Campaign Committee

dinner, five of those unions—all but UNITE—bought tables.

"Stern and those guys have had an instrumentalist view of politics," says one associate of the progressive presidents. "They ask, 'Will this [candidate] back our organizing campaign?' They had little or no sense of the importance of party until the effect of the 2002 election sunk in on them. Before 2002, Andy [Stern] was speaking of having permanent interests, not permanent allies. Now they all say the most important thing is to defeat Bush."

It's not that the unions get nothing from their GOP endorsements. HERE extracted from Gov. George Pataki (R-N.Y.) legislation that requires tribal casinos not to oppose HERE's unionization efforts. If the foremost obligation of unions in this era is to grow, HERE's deal is certainly defensible. If their foremost obligation is to safeguard the interests of the whole working class (whose minimum-wage increase Pataki opposed), it's attackable, too.

"Because of their ideology," says a union official, the progressive presidents "don't make the mistake of thinking they could build the union by relying on politicians. Sweeney and [AFSCME President Gerald] McEntee," he adds, are from an earlier generation that placed "a heavier reliance on politics and didn't pay as much attention to building a strong, independent membership base." Of course, when Sweeney and McEntee were young, politics was more union-friendly.

WILL THIS LEFT-RIGHT ALLIANCE OF ORGANIZING UNIONS attempt to remold the AFL-CIO by having one of its members run for the federation presidency in 2005, should Sweeney, whose term is up that year, elect to step down? It's certainly possible. Wilhelm's and O'Sullivan's are two names that people raise. (Stern, like Walter Reuther 50 years ago, is thought to be both too successful and not enough of a back slapper to win the votes of his fellow presidents.) The alliance could conceivably also back AFL-CIO Secretary-Treasurer Richard Trumka if he seeks the job.

But 2005 is a long way off. For now, Stern says, "There's a way for people who have common ideas to work together to make those ideas more effective than any one union can do on its own. The goal of this group would be to approach organizing wholesale, not retail." In the near future, then, HERE, UNITE, the SEIU, the Laborers and the Carpenters can be expected to announce some pooling of resources, possibly to create a joint capital strategies and research operation that would help them all undertake major new campaigns. If the experiment meets some quick successes, it could then fuel an attempt in 2005 to reconfigure the AFL-CIO.

As the presidents in the organizing alliance see it, the changes they're proposing are a matter of life and death for American unions. "The labor movement has been embattled every day since I joined it," says Raynor, "and that's true for John [Wilhelm] and Andy [Stern] as well." The janitors union, he adds, was nearly destroyed early on during Stern's tenure as organizing director. "That kind of thing certainly colors our outlook."

"If things keep up the way they've been going," adds O'Sullivan, "we're going to be engaged in collective begging, not bargaining. What happens in the next five years defines the next 50." ■

HAROLD MEYERSON is the Prospect's editor at large.



A SPECIAL REPORT ON SECRECY AND CIVIL LIBERTIES

# THE AMERICAN PROSPECT

SEPTEMBER 2003

## TAKING LIBERTY

**John Podesta: Bush's Secret Government**

**Michael Tomasky: Libertarian Backlash**

**David Cole: Dangerous Detention**

**Alex Gourevitch: Presumed Guilty**





# Bush's Secret Government

Using fear and national security to hide information from the public

BY JOHN PODESTA

Washington has seen its share of odd sights in the last few years but few as bizarre as the one we witnessed late last month after the release of the report on the causes and consequences of the September 11 terrorist attacks. There in front of the White

House, fresh from a meeting with President Bush, stood the disappointed foreign minister of Saudi Arabia, imploring the president to *release* parts of the report that apparently contain damaging evidence of Saudi Arabia's complicity in those attacks.

The president denied the Saudi request and later turned a deaf ear to Republican and Democratic members of Congress who, in a rare moment of bipartisanship, separately made the case for sharing the information. The president said that releasing the information would jeopardize "sources and methods" of intelligence collection, a line he and others repeated over the days that followed. The incredible irony—that the leader of the United States would use this excuse to protect a regime that has been implicated in harboring and helping those who killed more than 3,000 American citizens—seemed to go unnoticed.

In fact, it was business as usual in the Bush White House. The administration's embrace of secrecy as a means of control is hardly isolated to the Saudi case. It is far-reaching, cynical and—most important—damaging to the safety of American communities and families.

Since September 11, secrecy in government has increased exponentially. In addition to the new Department of Homeland Security, three other *domestic* agencies—the Department of Health and Human Services, the Department of Agriculture and the Environmental Protection Agency—have been given unprecedented power to classify their own documents as "secret, in the interests of national security." Meanwhile, members of the House and Senate Committees on the Judiciary, looking into the implementation of the USA PATRIOT Act, have been denied information despite their security clearances.

The Department of Justice has become a veritable black hole when it comes to release of government information. It has steadfastly refused to release the names of the hundreds of Muslim men it detained after September 11. Attorney General John Ashcroft has also radically changed the interpretation of the Freedom of Information Act (FOIA), reassuring government officials who reject FOIA requests that the Justice Department would defend their decisions unless they lacked a "sound legal basis."

The focus on secrecy clearly has the blessing of the White House. On March 20, 2002, Andrew Card, my successor as chief of staff to the president, issued a memo that ordered an immediate re-examination of all public documents posted on the Internet. The memo encouraged agencies to consider removing "sensitive but unclassified information." More than six-thousand public documents—including federal reports on enforcement actions against air carriers, chemical site security and emergency-response plans—have already been removed from government Web sites. Meanwhile, classification of documents is up 18 percent.

EVEN BEFORE SEPTEMBER 11, THE BUSH ADMINISTRATION'S preoccupation with secrecy and information control was clear. Concerned with its political base and seeking to avoid embarrassment, it barred access to information on the use of condoms to prevent HIV-AIDS and Department of Labor statistics on job loss. Vice President Cheney made strenuous, and ultimately successful, efforts to stonewall Congress and the Government Accounting Office as they tried to acquire information about energy company lobbyists who attended energy task-force meetings. Acting against the spirit, if not the letter, of the 1978 Presidential Records Act, President Bush signed an executive order that allows any current or future president to block the release of *any* presidential record—an order then used to withhold Reagan administration documents that were potentially embarrassing to members of the current administration. And the administration has slowed to a crawl an unprecedented effort, initiated by then-President Clinton, to declassify historically valuable records from World War II, the early days of the Cold War and Vietnam.

## COLD WAR REDUX

George W. Bush is certainly not the first president to use secrecy and the control of government information as a weapon to try to mold public attitudes in support of administration policy. Modern history is replete with examples—from the Cold War to Vietnam to Iran-Contra—of presidents from both parties who sought to avoid public oversight of controversial policies by withholding or distorting information.



In the world after September 11, it is both appropriate and necessary for our country to re-examine the balance between rights of individuals, the values we cherish as an American community, and the need to secure our nation from the threat of transnational terrorism. It is beyond dispute that some information must be closely held in order to protect national security, to engage in effective diplomacy, to protect how information is gathered, to maintain our intelligence relationships abroad and to prevent unauthorized disclosures. Failure to guard information can ultimately jeopardize the lives of our citizens—particularly at a time when we face enemies that operate in the shadows, seek out civilian casualties and seem hell-bent on acquiring weapons of mass destruction.

But what is troubling about this administration's approach to secrecy is its conversion of the legitimate need for operational security into an excuse for sweeping policies that deny public access to information and public understanding of policy making. Duct tape and plastic sheeting may have replaced the fallout shelters of the Cold War, but re-creating a massive bureaucracy to control government information is all too familiar. It can lead to an invidious, paranoid culture of secrecy today, just as it did in the 1950s. By deeming everything under the sun a secret, the Bush administration has affected our ability to distinguish what's *really* a secret from what's not. This infects the entire system of security classification with ambiguity and weakens the argument for nondisclosure.

Perhaps more importantly, a default to secrecy denies the public the vital information we need to strengthen security here at home. And that is the paradox—when the penchant for secrecy threatens to leave our country less secure and to weaken our democratic institutions.

President Bush was right when he said in his 2002 State of the Union address: "America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad and increased vigilance at home." But openness does not destroy security; it is often the key to it. The American people cannot remain vigilant if they remain ignorant.

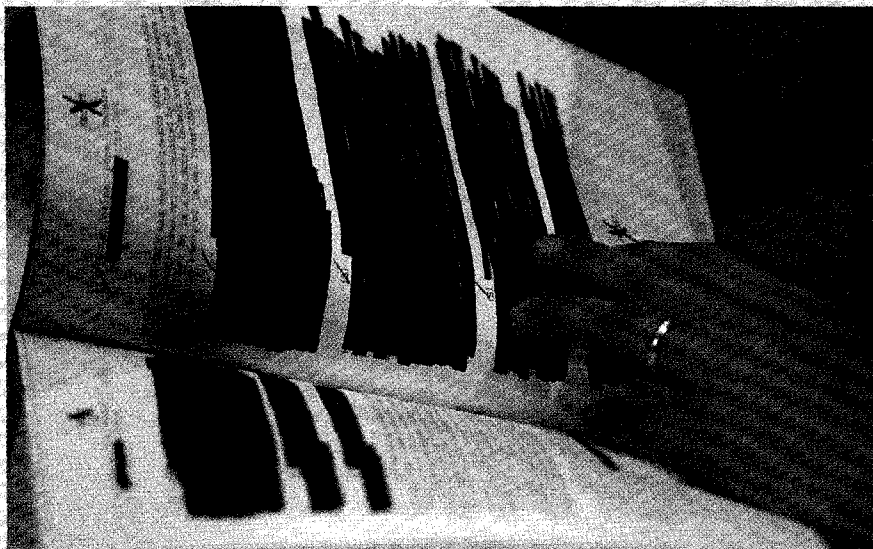
### SHIELDING ENVIRONMENTAL HAZARDS

Buried in the legislation that created the Department of Homeland Security is a provision that will expose Americans to more dangers than they might otherwise have faced. The provision effectively guts the FOIA with respect to vital public-health, safety and environmental information submitted by businesses to the federal government. The FOIA *already* prohibited the disclosure of information

that could threaten national security. But this new provision prohibits the disclosure of any information that in any way relates to the protection of "critical infrastructure" that private industry labels "sensitive" and chooses to disclose to the government.

Not only do people lose their right to know about hazards that could affect their community, but now the government is under an affirmative obligation to keep this information secret. The exemption provides a convenient way for businesses to conceal even routine safety hazards and environmental releases that violate permit limits from public disclosure. Shielded from public scrutiny, these hazards are much less likely to be addressed.

Similar concerns arise from the administration's approach to dealing with the serious homeland-security threat posed



Little blacked-out book: the 9-11 report in all its redacted glory

by the storage of dangerous toxic chemicals. Industrial manufacturing facilities storing acutely toxic chemicals such as chlorine gas, ammonia and cyanide present a potentially enormous and devastating opportunity for terrorists. The EPA has estimated that at least 123 plants store toxic chemicals that, if released through explosion, mishap or terrorist attack, could result in deadly toxic vapor plumes that would put more than 1 million people at risk. The U.S. Army Medical Department's worst-case estimate is that a terrorist attack on a chemical plant could lead to nearly 2.5 million deaths.

Yet it is possible, by setting priorities and using practical steps already available, to sharply reduce this kind of threat. Only a small fraction of the 75,000 chemicals in use—probably less than two dozen—can explode into large, lethal plumes that kill or maim on contact. And we know that concrete actions at the most dangerous facilities could minimize or eliminate them as a terrorist target. The facilities can substitute their most acutely toxic ingredients with less toxic alternatives; they can convert to "just-in-time manufacture," where their most highly toxic molecules are synthesized immediately before use rather than synthesized



separately and stored in bulk reserve; and they can reduce storage volumes of the most acutely toxic chemicals.

When the Bush administration first looked at the threat posed by chemical manufacturing, it rightly embraced a risk-reduction strategy. But under intense pressure from the chemical industry lobby, the administration backed down, settling for voluntary efforts by the industry to strengthen site security such as building stronger fences and adding guard dogs. The EPA is not even requiring companies to report the steps they have voluntarily taken at their facilities. And the people who live adjacent to these very dangerous places know less about what is going on behind the chain-link fence. They are therefore less able or likely to demand corrective action.

In the new Patriot Act II legislation, the Justice Department had its chance to empower the EPA and the Homeland Security Department to reduce the threat posed by these industrial facilities. Instead, the bill contains a provision that would actually allow chemical companies to avoid reporting worst-case scenarios that would result from chemical spills, industrial accidents or explosions—a requirement that stretches back 30 years to the Clean Air Act.

### A DIFFERENT COURSE

In finding a different approach to these issues that better protects the public, reflects our fundamental values and shows our commitment to informed public discourse, it would be wise to start with three questions:

**Does the information fall within a class that should presumptively be kept secret?** Operational plans, troop movements, human source identities, technological methods of surveillance and advanced weapons designs must continue to command the highest level of protection. But even in these categories circumstances can occur where public disclosure is appropriate and warranted—a recent example being Secretary of State Colin Powell's United Nations Security Council briefing of declassified intelligence on Iraq's alleged program on weapons of mass destruction.

**Does the information's important public value outweigh any risk of harm from public disclosure?** For example, in the Clinton administration, the White House worked with the EPA and the FBI on a disclosure regime of information in the EPA's toxic release inventory, including emergency evacuation plans. The public was able to receive important public-safety information that, the FBI had concluded, was of no unique value to terrorists. Likewise, under the leadership of then-Vice President Gore, the overhead imageries dating back to the 1960s from the Corona, Argon and Lanyard intelligence-satellite missions were declassified. Disclosing the capabilities of our oldest spy satellite systems caused no harm to our security while the information proved to be of great value to scholars, as well as to the natural resource and environmental communities.

**Finally, does release of the information inform the public of security vulnerabilities that, if known, could be corrected by individuals or public action?** Louis Brandeis said that sunlight is the best of disinfectants. By that he meant that without openness, people would lose

trust in their government and government would lose its ability to do its work. But in the post-9-11 environment, Brandeis' statement should serve as a warning that security flaws in our nation, just like security flaws in our computer software, are best put in the sunlight: exposed, patched and corrected.

### BENEFITS AND BALANCE

The need for technological advancement has never been greater than it is in the post-9-11 world. The problems of terrorism are so complex that many of the solutions lie in technologies not yet developed or even imagined. Public knowledge, public scrutiny and free exchange of scientific information may not only provide the breakthroughs necessary to stay ahead of our adversaries, they may also offer a better long-term national-security paradigm.

The United States has been a world leader in technology over the last century for one main reason: Information flows more freely within this country than anywhere else in the world. We must resist re-establishing the Cold War culture of secrecy—a culture bound to influence the direction of discovery and retard the efficient advancement of scientific knowledge.

SEPTEMBER 11 SEARED INTO OUR CONSCIOUSNESS THE realization that there are strong forces in the world that reject the trends bringing our world together; reject modernity, reject openness and reject the values we cherish as Americans. But in addressing the problems of international terrorism and homeland security, it is paramount that we remember our goal: the advancement of an open society, a country where people are free to criticize their government and where government is truly an extension of the people. We cannot protect this society by abandoning the principles upon which it was founded.

Likewise, when we relinquish our role as a beacon of government transparency, we derail our own mission to create a more secure, democratic world. The only way for any government to earn the trust of its people is by conducting its work in the light of day, by exposing itself to scrutiny and criticism, and, eventually finding a system that citizens will accept and abide by.

Finding the right balance between confidentiality and an informed public opinion is certainly more difficult than a policy of absolute secrecy or one of unconditional disclosure. But at this critical moment in our history, we owe it to ourselves and our posterity to strike this balance and to protect our tradition of liberty. President Dwight D. Eisenhower, a great military leader, made the argument succinctly when he said, "Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together." ■

JOHN PODESTA, the president of the new American Majority Institute, was President Clinton's chief of staff from 1998 to 2001. A version of this article appears in *The Century Foundation's book The War on Our Freedoms*.



# Strange Bedfellows

Conservative civil libertarians join the fight

BY MICHAEL TOMASKY

Early in the afternoon of July 25, Laura W. Murphy, the director of the Washington legislative office of the American Civil Liberties Union, was waiting for a friend at Houston's Bush Intercontinental Airport. They were due to head off for a quick

Mexican lunch, and then to the offices of *The Houston Chronicle*, to try to impress upon that newspaper's conservative editorial board the potential dangers and ambiguities of the USA PATRIOT Act, passed overwhelmingly by Congress in the wake of September 11.

The friend she was waiting for? Bob Barr, the former Georgia congressman best known for his bellicose role in the impeachment of Bill Clinton.

According to Murphy, a skeptical and understandably confused *Chronicle* editorial board met her and Barr. For the first 15 minutes, she says, the conversation was polite and stilted. But for the half-hour after that, it was "intense and engaged."

"Bob Barr basically took the approach, 'Listen, I'm one of you, and I have a lot of problems with this, and so do a lot of people we know in common,'" Murphy says. "There was a mixture of conservative insider-speak and traditional civil-liberties rhetoric, and somehow it meshed. Eventually, they were like, 'You mean to tell me they can do *what*?' They wouldn't quite believe it, then we'd hand them a Department of Justice document or a congressional report. And they'd say, 'Oh ...'"

The upshot was a July 11 editorial that read as if it could have appeared in, well, this magazine. Under the headline "Heightened Alert: Increased Government Intrusion Is Not Patriotic," the *Chronicle* averred:

U.S. Attorney General John Ashcroft and other Justice Department officials assure Americans that their liberties and privacy are not in jeopardy. They say the anti-terrorist PATRIOT Act passed after 9/11 does not apply to U.S. citizens. Ashcroft is wrong, and he knows he is wrong. In the alternative, he lacks the reading comprehension and legal skills required for his office.

The editorial concluded, straight out of an ACLU pamphlet, that the terrorists are attacking our freedom and that "it doesn't make sense for the U.S. government to endanger that freedom in the name of the war on terrorism."

Barr, who lost his 2002 re-election bid and now holds the 21st Century Liberties Chair at the American Conservative Union, has emerged as perhaps the leading

conservative voice against Big Brother government and in defense of civil liberties. Though he voted for the PATRIOT Act—after the Bush administration agreed to certain changes, and out of party loyalty—he pauses only briefly when asked today if he thinks, in retrospect, that the vote he cast was the correct one. "No," he says. "The administration has not been at all forthcoming since then in explaining in a clear and open way how that act would be used and is being used. The lack of being forthcoming about discussing that has bothered me."

It was just one meeting, and just one editorial. But it is symbolic of a larger trend—not yet powerful, perhaps, but certainly real—that finds some conservatives looking anew at their position on civil-liberties questions, a position that for the last 50 years has been at best indifferent and at worst hostile.

BARR IS OUT OF CONGRESS, AS IS TEXAN DICK ARMEY, another conservative civil libertarian who, once he decided he was retiring, started speaking out aggressively against government infringement on civil liberties.

But several Republicans who are still in Congress are as concerned as Barr and Armev about the Bush administration's assault on personal liberty, and some of them are even willing to say so for the record.

Rep. James Sensenbrenner Jr. (R-Wis.) is the chairman of the House Committee on the Judiciary, the key seat in which one would like to see a person taking civil liberties seriously. Sensenbrenner, like Barr, voted for the PATRIOT Act (only three Republicans did not). He might not be Louis Brandeis, but ever since the act passed, Sensenbrenner has kept—or tried to keep, given how parsimonious the Justice Department has been with the details—a pretty close eye on how it has been implemented. He has joined with Rep. John Conyers (D-Mich.), the veteran liberal and leading Democrat on the committee, to press the Justice Department with questions about how and where the act is being applied. In an April 18 interview with the *Milwaukee Journal Sentinel*, Sensenbrenner said that any attempt to make permanent the provisions of the PATRIOT Act—they are scheduled to sunset in 2005—would take place "over my dead body."



THE CONSERVATIVES WITH A LIBERTARIAN STREAK ALSO include, chiefly, Rep. Ron Paul (R-Texas), who, though a Republican in name, is at heart a libertarian (he was the Libertarian Party's presidential candidate in 1988). Paul voted against the PATRIOT Act, as did Reps. Butch Otter (R-Idaho) and Robert Ney (R-Ohio), along with 62 Democrats. Rep. Chris Cannon (R-Utah) is another who has parted company with the Republican leadership on some civil-liberties questions.

It's a rump faction, to be sure, and one that, interestingly, includes almost no Republican senators, although Iowa's Charles Grassley and Pennsylvania's Arlen Specter have interjected some civil-libertarian questions at committee hearings. "We're in deep cultivation mode in the Senate," Laura Murphy says. "We're stronger in the House."

She points to an Ashcroft appearance before the House Judiciary Committee on June 5 as a noteworthy moment. "The questions from both sides were all about civil liberties," she says. "Those questions didn't have a [political action committee] behind them, and they didn't have front-page coverage everyday like WorldCom or Enron. Now it's true that some of the questions from Republicans were setups, asked just so Ashcroft could say, 'No, we have

WHEN WE THINK OF THE GREAT GUARANTORS OF CIVIL liberties, we think first of liberals. Oliver Wendell Holmes and the aforementioned Brandeis are generally credited with beginning to carve out the modern conception of civil liberties, in opinions they wrote starting in the World War I period. These were followed by other famous liberal opinions, such as Justice Robert H. Jackson's in the 1943 *West Virginia Board of Education v. Barnette*, which held that a student cannot be compelled to recite the Pledge of Allegiance against his or her will. Later, because so many important civil-liberties controversies and test cases came to be associated with infringements upon the rights of the political left—the FBI's surveillance of the Black Panthers, for example, and more recently the well-known flag-burning case—civil liberties became identified almost wholly with the left.

But, says Timothy Lynch, director of the Cato Institute's project on criminal justice, there is an alternative history of libertarian—and in some cases conservative—defense of personal liberties. Lynch cites as a libertarian touchstone John Locke's "A Letter Concerning Toleration," which includes the sentence, "Each person has a property in his conscience into which the state should not intrude." He also cites a British group dating to the 1640s known as

## **Republicans aren't going to join the ACLU or the Human Rights Campaign en masse. But conservatives are starting to protest Ashcroft's assault on civil liberties.**

no intention of doing that.' But even those mean that there's enough grumbling somewhere that these things have to be responded to."

No one should be naive enough to think that conservative civil libertarians will become a majority next week. Discipline within the House GOP conference is such that not many members will muster up the courage to oppose the White House on something it really, or even mildly, wants. The fight-terrorism, back-what-the-administration-wants faction is still dominant. Sen. Orrin Hatch (R-Utah) recently proposed amendments to remove the PATRIOT Act's sunset provisions. Sensenbrenner attacked him publicly and vowed there would be no such action in the House (there hasn't been).

Still, enough of a shift is under way that it's worth keeping an eye on. Surely the size of the House's overwhelming July 23 vote blocking the Federal Communications Commission's new and looser media-ownership rules—it was 400-to-21—signals a bipartisan concern about free speech and debate. And beyond elected officialdom, conservative activists such as Grover Norquist, Phyllis Schlafly and the American Conservative Union's David Keene have pronounced themselves concerned about civil liberties. They are more likely to call it "personal freedom," but, up to a point, anyway, it's the same thing.

Still, this is all the preseason. The moment of truth will arrive in 2005, when the PATRIOT Act's sunset provisions will be debated.

the Levellers, led by John Lilburne and Thomas Overton, which preached religious toleration, low taxes, freedom of the press and something called "self-ownership." "They would say, for example, if they were on trial for sedition or what have you, things like 'I am the owner of my tongue,' which was their way of making the argument," says Lynch.

Citing the work of University of Virginia law professor Barry Cushman, Lynch argues that in our century, some conservative Supreme Court justices were better on civil liberties than history has allowed. Writing in the *Virginia Law Review*, Cushman explained that the famous "four horsemen" of the Court who opposed Franklin Roosevelt's New Deal programs—Willis Van Devanter, James McReynolds, Pierce Butler and George Sutherland—were actually pretty reliable defenders of free speech. "Before World War II, the old right had a better conception of liberty," says Paul. "It meant economic liberty, and the fact that the government didn't get involved in your personal affairs."

It was after that point that conservatism attached itself strongly to a censorious agenda. In the post-World War II period, American conservatism developed an increasingly and uniformly bellicose posture toward civil liberties. There's no need to recount here the horrors of the anti-communist witch hunts of the 1950s, only to say that it was during that period that conservatism became—willingly, happily—entwined with attempts to place limits on free speech in the interest of national security. True, there were

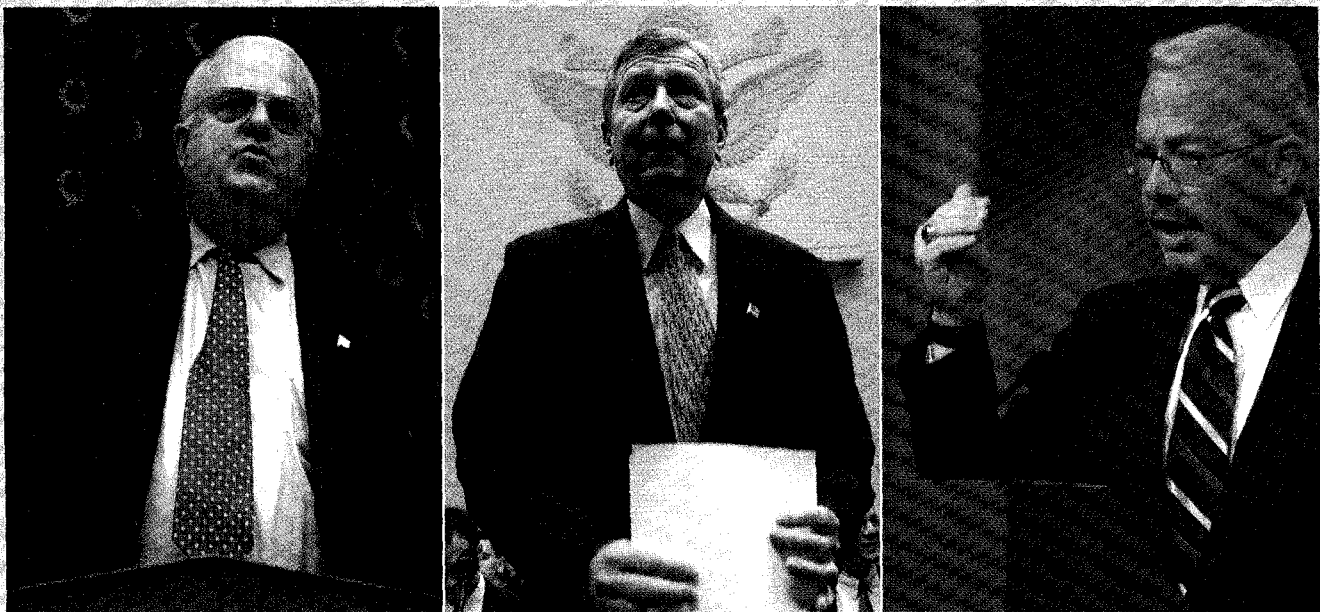


several Democratic thrusts in this direction—Harry Truman's loyalty oaths, notably—but they were limited in comparison with Republican and conservative efforts to limit free speech.

That tendency created its opposite, from the anti-anti-communism of some McCarthy-era liberals to the Berkeley campus Free Speech Movement of 1964. The passions of the 1960s calcified both positions, and since then the two sides have been blown even farther apart. As liberalism came to rely more and more on the courts to do what it could less successfully accomplish at the ballot box, civil liberties was expanded to include such things as abortion rights and gay rights. Meanwhile, conservatism became increasingly associated with religious fundamentalism, and obviously could not abide civil liberties as defined by the left. Conservatives did have their own conception of

gression toward civil liberties sits uncomfortably with a contemporary conservative conception of liberty, and reduction in the power of the state. Paul, clearly the most outspoken Republican on the topic, says he hears the rumblings all the time. When asked if his GOP colleagues have reservations about the PATRIOT Act, he says: "A lot more do now than they did back in October 2001. There are many who've come up to me and said [voting for it was] the biggest mistake they ever made. They understand why they did it. It was the pressure. From the president, from the attorney general, from others. But now they're getting a lot of grief back home, and not from the left only." Paul is also furious that "much of our legislation passed after 9-11 wasn't written after 9-11. It was written before. It's just that 9-11 was the opportunity to get it passed."

A litmus test will arrive in 2005, when Congress will



Attorney General John Ashcroft (center) feels the heat from Rep. James Sensenbrenner Jr. (left) and former Congressman Bob Barr, among other unlikely foes.

liberty, but they tended to express it chiefly in economic terms—opposing government regulation on everything from restraints on corporations to the mandated wearing of seat belts. In the lifetimes of most Americans alive today, these are the familiar, and apparently unalterable, lines in the ideological sand.

Those lines are shifting, though, chiefly on privacy grounds and in some surprising ways. Barr, for one, even supports the recent *Lawrence v. Texas* decision by the Supreme Court, which effectively legitimized same-sex relationships and possibly cleared the way for gay marriage. This from the man who was the prime sponsor of the 1996 Defense of Marriage Act. "I saw no problem with the decision in Texas," Barr says. "To me, that was a privacy case, and it was decided correctly on privacy grounds."

Let's not get carried away: It's not likely that Republicans are going to start joining the ACLU or the Human Rights Campaign en masse. But it may well be the case that we are at the beginning of a historical turning point. The Bush-Ashcroft use of 9-11 as a justification for traditional—that is, post-World War II—conservative apathy or outright ag-

take up the question of whether to extend the PATRIOT Act's provisions or let them die. "It is going to be a big test," says the Cato Institute's Lynch, who also notes that it's impossible to tell at this point how it will go. Lynch doesn't see that many GOPers bucking the White House if George W. Bush is re-elected. And, of course, should there be another terrorist attack, all bets are probably off, even among many Democrats.

But if some controversy erupts between now and then over implementation of the act, or if a Democrat takes the White House and appoints an attorney general anywhere to the left of John Ashcroft, it wouldn't be shocking to see many Republicans vote "good riddance." At least, under such circumstances, without enforced party-loyalty being a factor, we'd get a true reading of the contemporary conservative temperature on questions of personal liberty. And there's some reason to think it might be more complicated than we'd assume. ■

MICHAEL TOMASKY *will be the Prospect's executive editor beginning with the November issue.*



# An Ounce of Detention

Bush and Ashcroft's troubling "paradigm" is anything but a cure for terrorism.

BY DAVID COLE

IN STEVEN SPIELBERG'S *MINORITY REPORT*, SET IN THE not-all-that-distant future, police in Washington, D.C., have hit upon a way—through the enslavement of psychic visionaries—to predict and prevent future crimes. Would-be criminals are apprehended before they actually break the law and are punished for their intent to do so. But as one might expect, things go awry when one officer learns that the psychics' visions can be manipulated, and an innocent man is implicated in a future murder he does not intend to commit.

Neither President George W. Bush nor Attorney General John Ashcroft has discovered any psychic visionaries—with the possible exception of Karl Rove, and his field of vision is limited—but in fighting the war on terrorism, they have nonetheless adopted sweeping new "preventive" strategies that depend on the ability to predict the future. At home, the Department of Justice's goal is no longer simply to prosecute criminals after the fact but to keep violent acts from occurring in the first place—in Ashcroft's terms, "a paradigm of prevention." Abroad, the Bush administration's national-security strategy has redefined self-defense to encompass preventive war—the initiation of hostilities to forestall not only imminent threats but also dangers that might develop at some point down the road. These strategies are rarely considered together, but they are in fact two sides of the same coin. They share not only a common origin and justification but a common philosophy—one that ultimately depends upon double standards and secrecy, disdains the rule of law for the rule of force and is very likely to render us less, not more, secure.

The impetus to strike first is understandable. All other things being equal, preventing a terrorist act is certainly preferable to responding after the fact, all the more so when the threats include weapons of mass destruction and our adversaries are difficult to detect, undeterrable and seemingly unconstrained by considerations of law, morality or human dignity.

But all other things are not equal. Detention and killing, whether through the justice system or waging war, are the two most extreme acts a state can take, and both carry substantial risks of abuse. For these reasons, both the criminal law and the law of war strongly disfavor locking up human beings or launching a war for preventive purposes. As long as the future remains unpredictable, preventive strategies are bound to harm innocents and to substitute subjective will for the ideal of objective justice.

We've seen this kind of approach before. The federal government justified the excesses of the McCarthy era and

the Japanese internment of World War II in preventive terms. In 1951, the Supreme Court adopted that reasoning to uphold the conviction of several American Communist Party leaders for subversive speech. In *Dennis v. United States*, the Court reasoned that in assessing whether speech posed a "clear and present danger," courts "must ask whether the gravity of the evil, discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger." Because the threat posed by a communist overthrow of the United States was so great, it did not matter that there was no evidence that it was likely to come to pass.

Similarly, the Court in *Korematsu v. United States* upheld the internment of 110,000 Japanese Americans in the absence of any actual evidence that they posed a danger, deferring instead to the military's unsupported assertions of national-security concerns. Today, *Dennis* is widely seen as a low point in the Court's protection of speech and its standard has been abandoned, while *Korematsu* is universally repudiated. Yet the Bush administration has invoked the same failed reasoning to defend both the domestic and foreign sides of its war on terrorism.

The administration's domestic and foreign-policy preventive strategies share three common features. First, they rely on double standards. Most of the government's domestic incursions on fundamental rights have been targeted at foreign nationals, including the detention of more than 5,000 noncitizens in an initial roundup immediately following September 11 and two subsequent initiatives directed at registering and deporting Arab and Muslim foreign nationals. Only one of these detainees has been convicted of any terrorist crime; nonetheless, the most sweeping campaign of ethnic profiling the country has undertaken since the Japanese internment continues. By contrast, when the government has proposed measures that would affect citizens more directly, the political process has often imposed constraints—as when Congress last year killed post-9-11 proposals to create a national identity card and to set up "Operation TIPS," a network of 11 million citizen spies. We want prevention, it appears, only when the costs are borne by someone else.

The national-security strategy abroad is also predicated on double standards. We would not tolerate a world in which every nation that was concerned about another nation's potential threat could use that as a justification for unilateral offensive military action—a world in which Pakistan could attack India, India attack Pakistan, Iran attack Israel and so on. And as at home, our preventive strategy abroad targets



the most vulnerable. As Jonathan Schell has convincingly argued in *The Nation*, we attacked Iraq rather than Pakistan, North Korea, Russia or Iran, all of which pose much more serious dangers, “not because it [was] the worst proliferator, but because it [was] the weakest.”

Second, the administration’s strategies seek to circumvent processes designed to forestall precipitate action by requiring objective proof of wrongdoing. As the government’s treatment of Zacarias Moussaoui and Jose Padilla has demonstrated, guarantees associated with the criminal process—such as the right to a lawyer, to call witnesses and to confront the government’s evidence—are obstacles to a preventive strategy. By using noncriminal proceedings—including immigration hearings, detention of people as material witnesses and military custody of “enemy combatants”—the administration has denied most of its targets these basic rights. Indeed, the inspector general’s recent report on the treatment of immigration detainees labeled “of interest” to the September 11 investigation makes clear that the administration’s modus operandi has been to use immigration law for precisely this end.

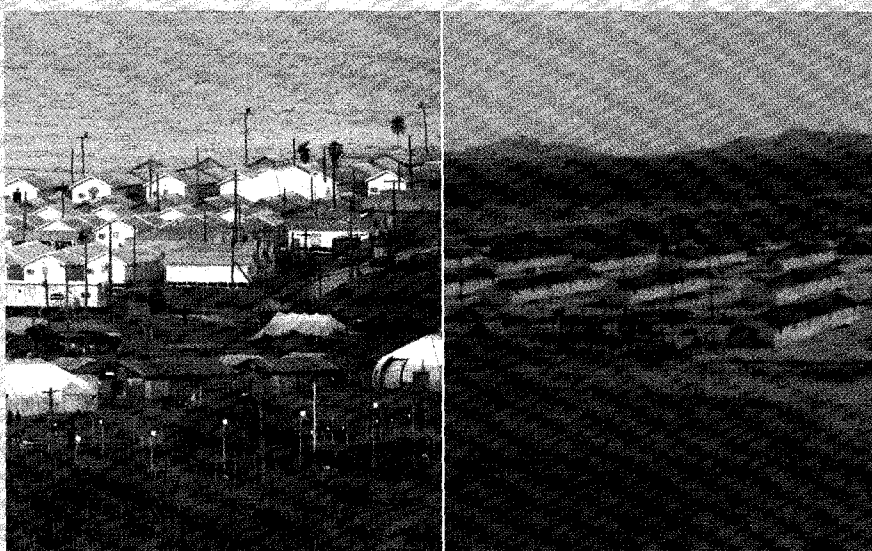
Where the administration has resorted to the criminal process, it has generally relied on a sweeping statute that allows it to obtain convictions without proof of individual wrongdoing. Virtually every post-9-11 terrorism prosecution has included a charge under a 1996 statute making it a crime to provide “material support” to designated “terrorist organizations.” Under this statute, which was hardly ever used before September 11, an individual can be convicted for providing anything of value—from a book to his own time—to any group designated “terrorist” in a secret administrative process. It is no defense that one’s support furthered only lawful, nonviolent activity. This statute essentially resurrects “guilt by association,” a tempting tool for preventive law enforcement. [See “Unsupportable and Immaterial,” Alexander Gourevitch, page 52.]

The preventive national-security strategy similarly relies on shortcuts, as Bush’s decision to bypass the United Nations Security Council when it would not do his bidding illustrated. And the administration’s revision of the standard for going to war virtually paraphrases the Supreme Court in *Dennis*: “The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack.”

Finally, prevention at home and abroad depends on secrecy. The government has refused to identify most of the approximately 1,200 people it arrested in the first seven weeks after September 11, and to disclose even the num-

ber of people detained since then. It tried several hundred foreign nationals in secret. And it has refused to reveal the most basic facts concerning its use of broad new surveillance powers granted it in the wake of September 11.

Secrecy has also ruled the day in foreign affairs. Throughout the run-up to the Iraq War, the administration claimed it knew the Iraqis had weapons of mass destruction and links to al-Qaeda, but simultaneously suggested that it could not reveal the evidence because that would expose critical sources of intelligence. But as months go by without finding evidence of either one, it appears that the administration exploited claims of secrecy to conceal the fact that it simply lacked solid evidence.



The more things change: Guantanamo Bay, Cuba, 2003 (left); Gila River, Ariz., 1942

The reason that international and domestic laws have long rejected preventive detention and preventive war is that these three defining characteristics—double standards, avoidance of procedural safeguards and secrecy—are anathema to the rule of law, which depends upon consistency, procedural regularity and transparency.

Throwing off the constraints of law does not make us more secure. It undermines the legitimacy of our efforts to quell terrorism and makes it less likely that Arab and Muslim communities, the targets of our double standards, will work cooperatively with us to root out al-Qaeda enemies. And it fuels today’s unprecedented anti-Americanism, which in turn supports recruitment by the other side.

Our long-term security in the world rests neither on locking up thousands of suspected terrorists who turn out to have no connection to terrorism nor on attacking countries that have not threatened to attack us. On the contrary, it lies in a commitment to fairness, justice and the rule of law. That is the only true strategy of prevention. ■

DAVID COLE, a professor at Georgetown University Law Center, is the author of *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*.



# Immaterial and Unsupportable

Ashcroft and Co. are going after supposed supporters of terrorism with a blunt and unjust instrument.

BY ALEX GOUREVITCH

ON MAY 19, IN ONE OF THE FIRST ANTI-TERRORISM CASES brought against U.S. citizens since September 11, Mukhtar al-Bakri, a 23-year-old Yemeni American from Lackawanna, N.Y., pleaded guilty to the charge of providing "material support" to al-Qaeda. Prior to 9-11, al-Bakri and five other young Yemeni Americans had traveled to an al-Qaeda camp in Afghanistan, where they received six weeks of training before deciding to return home. According to the defendants, they left the camp because they did not feel comfortable with al-Qaeda's militancy; one even faked an ankle injury to leave early. A post-9-11 Department of Justice investigation led authorities to the young men, who were quickly dubbed a sleeper cell and brought to trial. After a great deal of prosecutorial pressure, and against the advice of at least one of their lawyers, each of the defendants eventually pleaded guilty. Defense attorney Patrick J. Brown told *The Washington Post*, "We had to worry about the defendants being whisked out of the courtroom and declared enemy combatants if the case started going well for us." Al-Bakri's plea, the last of them, put the finishing touches on a case that the Justice Department touted as "a model in pursuing and prosecuting terrorism suspects, and in preventing terrorist acts here and abroad."

The case of the Lackawanna Six was indeed an important one, but not so much for the reasons the Justice Department asserts as because of the concerns about justice that it raises. The defense lawyers still maintain that their clients are innocent victims of overeager U.S. attorneys. During the initial bond hearings, even the magistrate, H. Kenneth Schroeder Jr., asked, "Is the government asking me to speculate some sort of potential act of violence or danger?" A post-plea bargain article in *The Washington Post* noted that "prosecutors never offered evidence that the Lackawanna defendants intended to commit an act of terrorism," and investigations by *Mother Jones* and *Salon* found no weapons cache, no orders and no plots. The government's main argument for calling the Lackawanna Six an "active cell" is that the young men did not voluntarily come forward after 9-11 to tell authorities about their trip.

Nonetheless, scared to risk a trial in today's climate, the Lackawannans plea-bargained. Under the law that makes it a crime to provide "material support for terrorist groups," it's not certain whether any more evidence would even have been necessary to convict them. What constitutes material support is so vaguely and broadly defined in this law that it risks criminalizing basic freedoms. For that matter, what count as terrorist groups are only those the Department of State, in a notoriously politicized process, designates as such.

Some of these concerns arose when the law was first written in 1996 as part of the Anti-terrorism and Effective Death Penalty Act. A few commentators did wonder what the new law added to the prosecutorial arsenal, as the government itself could not identify a single situation in which the statute would have helped stop terrorism. But the hysteria following the 1995 Oklahoma City bombing, and the memory of the World Trade Center bombing in 1993, meant that there was little rational debate.

Still, prior to 9-11, the government only prosecuted three cases, relegating the law to relative obscurity. Since the attacks, however, this number has jumped to around 30. (A precise figure is difficult to come by because the Justice Department claims it does not "keep lists.") And Justice Department testimony suggests the material-support law will become a mainstay of its domestic anti-terrorism efforts.

At first blush, that might seem to make perfect sense: Nobody should support terrorists, after all. The specific wording of the statute says that anyone who "knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so" will be fined, get up to 15 years in prison or, in certain circumstances, even face a life sentence. These days this all sounds like a reasonable and necessary part of preventing terrorism.

But as the law has come into use, so, too, have its problems come into focus. For instance, in the Lackawanna Six case, the defendants didn't provide anything beyond their own bodies. The government argued that this amounted to providing "personnel," one of the forms of material support mentioned in the law. At least one circuit court judge contends that this stretches the meaning of the statute beyond what Congress intended or the Constitution allows. But far from being troubled, Attorney General John Ashcroft has proposed amending the law to specify that a person's mere presence could constitute criminal material support.

More importantly, even though the prosecution could not provide any evidence that the Lackawannans intended to support a specific terrorist act, it didn't really need to. What counts as support is not aiding a terrorist *act* but a *group*. It has, in fact, always been illegal to support terrorist acts, but as such, it has also been necessary to prove that the defendant intended the support. By focusing on aiding a group rather than an act, the material-support law eliminates the requirement to prove criminal intent. All it really adds to existing law, then, is the possibility of prosecuting individuals who do *not* intend to support terrorism.



Focusing on groups rather than acts also eliminates the distinction between aiding legal and illegal activities. In the case of al-Qaeda this is a purely theoretical distinction: The organization has no meaningful legal activities that are anything but a front for terrorism. But al-Qaeda is not the norm for groups designated as terrorist. Most are hybrid organizations that engage in humanitarian as well as violent activities and have political ends beyond the mere spectacle of violence. Even Hamas, widely perceived as purely terrorist, allocates only about 5 percent of its budget for military purposes, according to the Israeli government's own estimates. The rest goes to administrative, humanitarian and social services. But the law now covers essentially all material donations, from money to weapons to medicine and blankets. So giving coloring books to Hamas for Palestinian children is the legal equivalent of giving AK-47s to al-Qaeda.

Defenders of the material-support law say that it is necessary to choke off the flow of resources to terrorist groups. Because money is fungible, even giving coloring books frees up extra cash for weapons. But experts disagree on how true this is as an empirical claim; and at the very least, critics say, the government should have to show in any given situation that that is really going on. Moreover, if it's the flow of money that the government is concerned about, there's little reason to define "material support" so broadly that it includes what the Lackawannans did.

By making no such distinctions, the material-support law undermines freedom of association and threatens to rehabilitate "guilt by association," the principle underpinning the old statutes that made membership in the Communist Party a crime. The Supreme Court eventually struck those down as unconstitutional—because they failed to distinguish between support for the organization's legal and illegal aims. As some commentators have noted, the material-support law, although technically preserving the right to be a member of a group, criminalizes practically all forms of actual involvement in the group and thus reduces freedom of association to a mere formality.

It's conceivable that a less vaguely written law might avoid that extreme. But Ashcroft's efforts are, if anything, aimed in the opposite direction.

VAGUENESS IS ONLY HALF THE PROBLEM. EQUALLY troubling is the fact that the law is applied based on a somewhat arbitrary State Department blacklist that is compiled in secrecy and virtually impossible to challenge. Many groups on the list are secessionist or political organiza-

tions with little relation to al-Qaeda and with no direct plans against the United States. In the 1980s, Nelson Mandela's African National Congress was officially considered "terrorist," and many groups currently on the list are there as sops to U.S. allies. For instance, the East Turkestan Islamic Movement, a secessionist group in western China, was added to the list last September, in what many saw as a political favor to China. Similarly, the State Department in May added the Basque separatist group Batasuna as a rather blatant quid pro quo for Spanish support of the Iraq War. To please U.S. ally Turkey, the list includes the secessionist Kurdistan Workers' Party. Two Colombian rebel groups, meanwhile, are listed as a favor



The Lackawanna Six: Is guilt by association making a comeback?

to that government. Ironically enough, al-Qaeda wasn't added to the list until October 1999; before then the law could not have been applied to al-Qaeda members. Charles Knight, international security expert at the Project on Defense Alternatives, thinks the term "terrorism" confuses "various forms of political violence commonly practiced in civil wars" with "international attacks by al-Qaeda in its war on America and 'the Zionists.'" Knight thinks we "would be better off if we dropped the term 'terrorism' altogether and turned to using more specific descriptions of the various types of political violence."

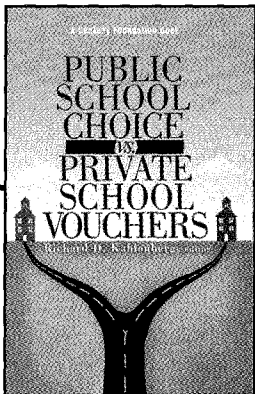
The best that can be said about the material-support law is that it still hasn't been widely used. But as the Bush administration's definition of terrorism expands, and as Ashcroft tries to broaden the law's purview, more people and more groups are likely to be subject to the injustices of this vague and arbitrary statute. ■

ALEX GOUREVITCH is a Prospect writing fellow.



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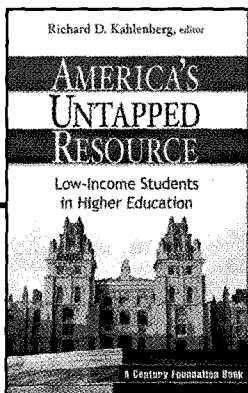
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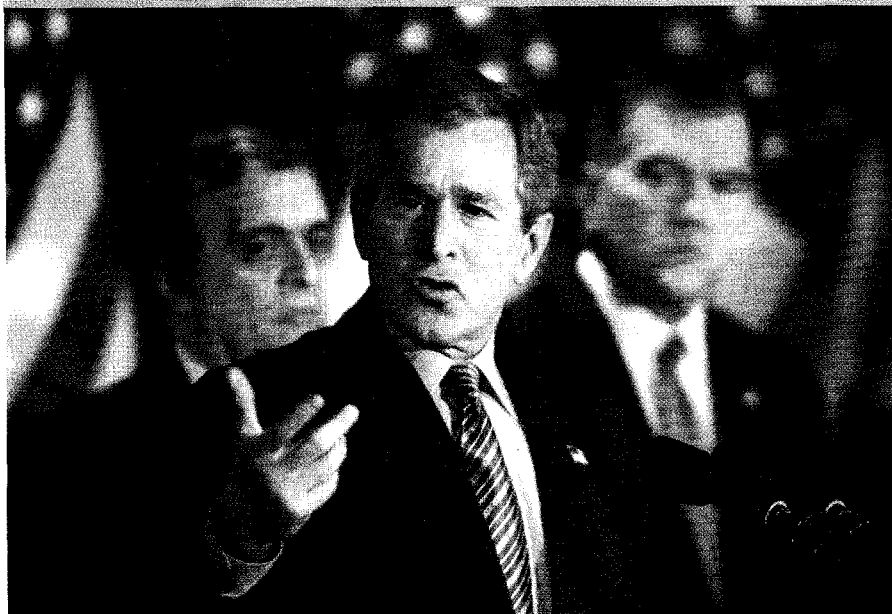
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# Currents

## MEDIA



It's all in the wrist: The spin continues.

## Signs of a Pulse

The press is starting to take on Bush—finally.

BY TODD GITLIN

I NOTED IN THE JUNE *PROSPECT* THAT while the bombs were bursting over Iraq, America's TV networks were so excited about embedding with troops that they declined to subject the war's rationale to serious scrutiny. How could hype, hysteria, wishful distortion and rank deception in high places be news when there were no—well, not many—pictures to interrupt the all-conquering crusade? The networks, America's channels for what is euphemistically called information, had untold hours to spare for desert travelogues, retired generals' briefings and the spectacular deliverance of Jessica Lynch. But they tiptoed around the spurious Iraq-Niger uranium deal, a story that had started to leak into lower-circulation public

view—thanks to Seymour Hersh's exposé in *The New Yorker* last March—but was evidently not ready then for prime time. Early on, Rep. Henry Waxman (D-Calif.) smelled a rat and demanded a Pentagon explanation, but news of his challenge stayed safely online and, to the big-deal media, off-limits.

Patience, good critic! What a difference the months make when the White House's triumphal arch begins to sag. Throughout July the sleeping giant of American journalism at long last stretched, yawned and scrambled to its feet while the Bush White House played its favorite games, Hide the Responsibility and We, Like God, Have Our Reasons, though with dwindling success. Could these rambunctious re-

porters trying to squeeze some truth out of tricky White House officials be part of the same herdlike press corps that had dutifully let Bush get away with joking that his choice of reporters who could ask questions at a March 6 press conference was scripted? As late as June 22, David Rosenbaum, on page 1 of the *Times*' "News of the Week in Review," was maintaining that Bush may have exaggerated but that he hadn't lied—a distinction not conventionally made on behalf of Al Gore, anointed the Pinocchio candidate during the 2000 campaign. Evidently we were supposed to be cheered to consider the president only a serial hype artist, an unwitting deceiver, a helpless retailer of untruths that the servants were supposed to weed out and not a conscious, i.e., thoughtful, i.e., knowledgeable faker.

What made the difference, in part, was the outraged professionalism of intelligence officers and diplomats, and—wary of having been broken down to stenographer status and finally scenting weakness in their antagonist flacks—journalists themselves. July brought Ambassador Joseph Wilson's testimony that, at the behest of Dick Cheney, the CIA had sent him to Niger to see what he could see, and what he saw was ... no evidence of uranium sales. Dana Milbank and Mike Allen in the July 10 *Washington Post* were noting bluntly that "the president avoided answering questions." This ran on page 1. A prewar March 18 alert by Milbank and Walter Pincus had run on page 13, reading, "As the Bush administration prepares to attack Iraq this week, it is doing so on the basis of a number of allegations against Iraqi President Saddam Hussein that have been challenged—and in some cases disproved—by the United Nations, European governments and even U.S. intelligence reports." Suddenly Milbank, who early on had

incurred the wrath of the White House for calling lies lies, didn't look quite so outré. Now the sluice gates were flung open and the blood scent was thick.

Emboldened, the press played its great game of catch-up, even if the headlines often grayed out the revelations. Who knew what and when did they know it? That was the question of the month. The point would have been all the sharper if the press had dug down into the memory hole to retrieve proof that either knowing deception or flagrant ignorance had been the administration's game all along. On July 16, ABC investigative reporter Brian Ross was on *World News Tonight* referring to "a two-bit job of a forgery" as he displayed a copy of the now infamous documents purporting to certify the Iraq-Niger deal—documents so amateurishly faked as to have been outed by the Inter-

dress that Iraq had tried to buy African uranium, officials have said it was only one bit of intelligence that indicated former Iraqi leader Saddam Hussein was reconstituting his nuclear weapons program. But ... between Oct. 7, when President Bush made a speech laying out the case for military action against Hussein, and Jan. 28, when he gave his State of the Union address, almost all the other evidence had either been undercut or disproved by UN inspectors in Iraq.

"Undercut," "disproved"—tantalizingly close to the plausible charge that Bush deceived, distorted, twisted and otherwise mangled facts, or doesn't know them when he sees them—if he sees them.

The difference was blood—not only blood in the water around Bush but blood in the soil of Iraq. As some sol-

nonsense headline material?

One senses that, for all the peeling Teflon, much of the information industry is still embarrassed to exhibit the emperor's nakedness. A swaggering Bush came to office feinting, evading and bluffing reporters into submission, taming them with nicknames. They didn't look deeply into his demonstrated incapacity to reason, to doubt or to weigh rival explanations in difficult circumstances.

News organizations that aimed to dazzle the public for months on end with philosophical discourses on the nature of Bill Clinton's prevarications thought it would look unseemly to inquire into the mental capacity of the incumbent not-so-great communicator. Instead, whenever possible, they cleaned up Bush's syntax and overlooked his gobbledygook. They continue to leave largely unchallenged the dubious charge that Saddam Hussein and al-Qaeda were in cahoots. Claims about aluminum tubes and killer drones remain evidence-deprived.

At this writing, the media are still reluctant to point out the most plausible hypothesis for Bush's evasiveness: self-hypnosis. This small man is in the grip of a large passion that floods out mere fact. The urgency of his fixation on Saddam Hussein was boosted by September 11, infusing him with a volatile mixture of glory and panic. That's why, as an anonymous White House official said, "The president is not a fact-checker." He never has been. His idea of truth is faith-based.

The purported competence of Bush's inner circle has often served to insulate him from any question of how someone so stupendously ignorant and incurious about the world is still capable of making sensible decisions. But it's increasingly evident that the president and his intimates—Cheney, Condoleezza Rice, Donald Rumsfeld and the other top Pentagon brass—are more confident than competent. Having come to power on the strength of an inexhaustible will to win, they convinced themselves that they're destined to keep on winning, and that the world is what they say it is because they *believe*. They don't nuance, they don't fact-check. So what *do* they do when they decide to be resolute?

## **Front-page analyses and editorials are still slow to point the finger at Bush's dizzying errors with any of the same glee with which they pounced on "Travelgate."**

national Atomic Energy Agency (IAEA) in a matter of hours.

So, in full ungainly spin mode, Ari Fleischer twisted himself into knots trying to defend the president. But questions from *The New York Times'* David Sanger, among others, must have convinced White House higher-ups that the credibility drain was considerable, and the buck had to cease whirling around and stop ... somewhere. Enter CIA Director George Tenet to say that, while he'd never read Bush's text, he should have stopped the president from reading his lines.

At long last, reporters abandoned stenography and openly doubted the petulant, sneering suit behind the curtain. (Not all, however: A CNN newsreader referred to the uranium allegations as a Bush "slip of the tongue.") A telltale template recurred: The White House says X but certain irritating facts say not-X. In a July 16 front-page piece in *The Washington Post*, Pincus wrote:

In recent days, as the Bush administration has defended its assertion in the president's State of the Union ad-

diers complain by name and on air, and others are picked off by guerrillas who weren't supposed to exist, the White House appears newly vulnerable. And as Bush's ratings subside, reporters leave fear behind and start scrubbing Teflon off the president—Teflon that they themselves were not so long ago in the business of spraying. As when Republican losses in the midterm elections of 1986 finally unleashed reporters to pursue the Iran-Contra story in earnest, Bush's current weakness and the Democrats' sudden revival have a bracing effect on journalism.

But not bracing enough. Front-page analyses and editorials are still slow to point the finger at Bush's dizzying errors with any of the same glee with which they pounced on "Travelgate," "Filegate" or Gore's infamous "controlling legal authority." On July 14, Bush told reporters, "Subsequent to the [January] speech, the CIA had some doubts." We now know that it expressed its doubts as early as October. Also on July 14, Bush told Dana Milbank, "We gave [Saddam Hussein] a chance to allow the inspectors in, and he wouldn't let them in." Why isn't such stupendous



Even now, the press leaves the inner circle's magisterial auras untarnished. For example, there's Cheney's prewar disagreement with the IAEA conclusion that the Niger documents were forgeries, his claim that the CIA also disagreed (we now know this isn't so) and that "we believe [Hussein] has, in fact, reconstituted nuclear weapons."

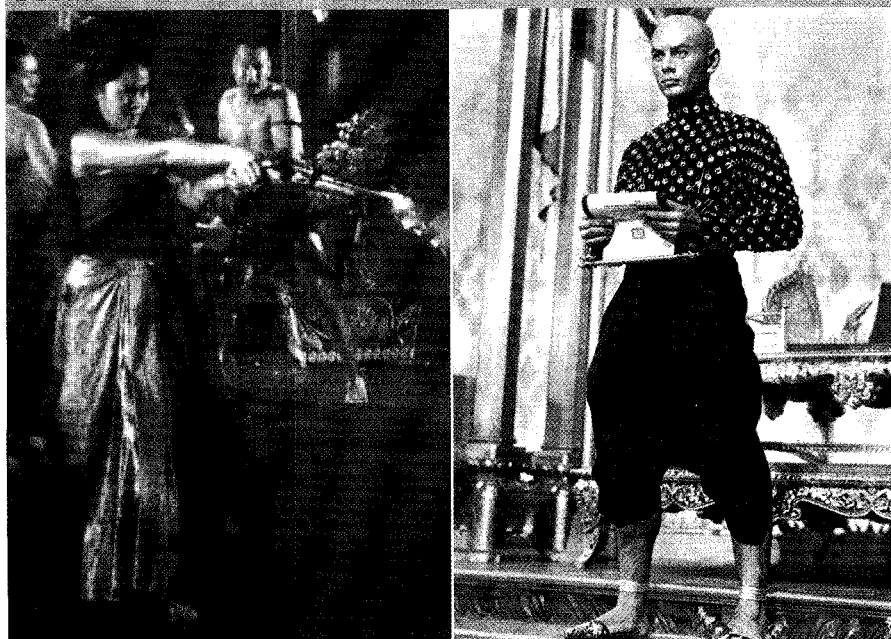
There's also Rice's postwar comment on the fraudulent Iraq-Niger connection: "Maybe someone knew down in the bowels of the agency. But no one in

our circles knew that there were doubts and suspicions ..."

Even from an awakened press, "PRESIDENT AND TOP ADVISERS LIE" is not a headline you're likely to see. Neither is, "PRESIDENT DOESN'T KNOW ENOUGH TO LIE." That would be too darned insubordinate. ■

TODD GITLIN is a professor of journalism and sociology at Columbia University and the author of *Letters to a Young Activist*.

## FILM



Debunking the myth: *The Legend of Suriyothai* takes aim at the Yul Brynner portrayal of Thailand.

# The King and Thai

A contested history gets the royal treatment.

BY NOY THRUPKAEW

WHEN TALKING HISTORY, THAIS CAN only restrain themselves for so long before they trot out a much-cherished fact: Their homeland is the sole country in Southeast Asia never to have been colonized. And so it is no surprise that more nationalistic citizens find Hollywood incursions—upon both domestic box-office receipts and the telling of Thai history—quite unwelcome, particularly if those Tinseltown visions are perceived as defaming the royal family. In Thai custom, just as one should not touch another's head, the highest part of the body, one must steer especially

clear of casting aspersions on the symbolic head of another country.

Westerners have long flouted this courtesy, goes the Thai sentiment, and no one more so than actor Yul Brynner in the movie version of the 1951 Rogers and Hammerstein Broadway musical, *The King and I*. Inspired by the memoirs of Anna Leonowens, a Brit who taught English in King Mongkut's court in the 1860s, the movie created an indelibly humiliating image of Thailand's still-revered former monarch. In place of the great reformer who spent 27 years in a Buddhist monastery was a bald buffoon,

a despot who bellowed like a water buffalo and carried on with the white help. But Brynner isn't the only one to face Thai ire. As my own mother has said, "That Anna—*she's* the barbarian."

So when Twentieth Century Fox released its 1999 remake of the Anna Leonowens story, *Anna and the King*, the Thai government banned the film, as it had nearly all previous cinematic incarnations, including the 1956 Brynner movie and the 1999 animated feature. (The 1946 nonmusical Rex Harrison version was merely frowned upon.) Around the time of *Anna's* release, the royal family decided to take the fight one step further: Queen Sirikit tapped one of the country's most famous directors to begin filming a historical epic about the life of legendary 16th-century Queen Suriyothai. A lady-in-waiting and a royal, M.L. Piyapas Bhirombhakdi would star; Prince Chatri Chalermsuk, a descendent of the much-maligned King Mongkut of *The King and I*, would direct. *The Legend of Suriyothai* is truly a royal affair—massively funded, exhaustively researched, a great white elephant of a movie.

Released in Thailand in 2001 and in major U.S. cities this summer, *Suriyothai* has a scale matched only by the scope of Queen Sirikit's ambition. The film's supporters say *Suriyothai* will rectify inaccurate images of Thailand as depicted in *The King and I* and its ilk; spur on the recent "new wave" of Thai cinema, which is just now climbing out of the doldrums after an onslaught of Hollywood movies and the Asian economic crisis of the late 1990s; and, most ambitiously, teach Thais and the outside world "to appreciate the historical events ... that have seen the creation of the Thai state and the avoidance of colonialism," as a royal source told journalist Julian Gearing. Set in a country rent by royal rivalries and threatened by saber-rattling Burmese neighbors, *Suriyothai* is a domestic and international hearts-and-minds campaign, the creation myth of a nation done up in palace intrigue, plagues and poisonings. Thais are front and center, with colonial powers relegated to mischief-making on the sidelines—a far cry from the civilizing influence of Anna Leonowens on a savage king.

Both Thai and Western historians have made great sport of puncturing

both Hollywood versions of the Anna-king story and Leonowens' memoirs, which she penned after leaving the Thai court. In real life, King Mongkut was nearing 60 when Leonowens worked for him. And far from being a confidante, furtive love interest and political adviser to the heathen king in harem pants portrayed in *The King and I*, Leonowens appears only once in the aging monarch's correspondence—when he remarks that the English-woman he's hired seems rather “nosy.” As for Leonowens, she plagiarized from other foreigners' reports shamelessly, inflated her position from English teacher to governess and made egregious errors in her memoirs. (Among other missteps, Leonowens identified a picture of her most important student, Prince Chulalongkorn, as being that of a princess and claimed that the king

It is suspected that the inclusion of such suggestion is motivated by the jealousy of certain western races that could not tolerate the success of an oriental nation which managed to preserve its independence and [introduce] far reaching reforms. Thus, it must attribute part of such success to Anna Leonowens whom they thought belonged to the superior race but who was in fact an individual with doubtful origin and could even be half Indian.

Part of this contains a point well taken: Why take credit where it isn't due? But the tone of “half Indian” betrays a kind of racism of its own—one that also surfaces in the Thai insistence on calling Indian immigrants *kak*, or guests, with the implied notion that all polite guests will eventually leave. Similarly, Thai objections to the use of chopsticks in the Brynner film had less

the end, *Suriyothai* is a hybrid of epic nationalism and gore, a Merchant Ivory flick that broke all box-office records in Thailand.

*Suriyothai* is not likely to do the same in the States—it's too garish and sketchily told. Even the executive producer of the international version, Francis Ford Coppola, creator of *The Godfather* trilogy, among other things, couldn't make the story more coherent, despite trimming the film of an hour of footage. Minus the nationalistic fervor of Thai audiences, *Suriyothai* is bound for a disappointing box office outside Thailand.

Undaunted, the film's Thai creators are already at work on a sequel. In Thailand, *Suriyothai* bested even that juggernaut *Titanic* at the box office, a heady victory for a film industry that went from producing 200 movies a year in its 1980s heyday to a mere 10 or 20 in the late '90s. As for its long-term effect on Thai cinema, Western critics have already latched on to a nascent “new wave” in Thai film. Movies by rising directors such as Pen-ek Ratanaruang, Nonzee Nimibutr and others explore un-*Suriyothai* aspects of ordinary Thai life with a salacious and scatological joie de vivre, all bums and broad politics and melodrama. Commoner films are unlikely to reach for the epic trappings of *Suriyothai*; they just don't have the money to do it. But hopefully some of the attention that *Suriyothai* is earning as Thailand's most ambitious cinematic project may fall on these smaller, worthier pictures.

“Suppose you are Queen Victoria,” says the king to Anna in Brynner's *The King and I*. “And someone say to you King of Siam is barbarian. Do you believe? ... You will, you will, you will believe I am barbarian. Because there is no one to speak otherwise.” With *Suriyothai*, that's no longer the case. Although it can't single-handedly set the record straight, the film has lumbered into the war against Hollywood “colonization” like Queen Suriyothai's elephant, perhaps helping pave the way for the real substance of Thai cinema: tales of the ordinary and everyday that provide the best answers of all to a contested history. ■

NOY THRUPKAEW is a Prospect contributing editor.

## It is no surprise that more nationalistic Thais find Hollywood incursions—upon both domestic box-office receipts and the telling of Thai history—unwelcome.

threw saucy wives into underground jails when the marshy soil of the then-capital city, Ayuthaya, couldn't support such prisons.)

She also fibbed about herself, lowering her age and elevating the status of her deceased husband from clerk to officer. She concealed the fact that she was born in India and was likely part Indian herself, as English scholar W.S. Bristowe uncovered. Leonowens was a plucky heroine in her own way, though. She made her way out of poverty, at 14 barely escaped being married off to a man twice her age and traveled to far-off lands as a widow. But she didn't fit the Victorian model of a plucky, upper-class, pure-bred English heroine—and so she literally whitewashed her own history.

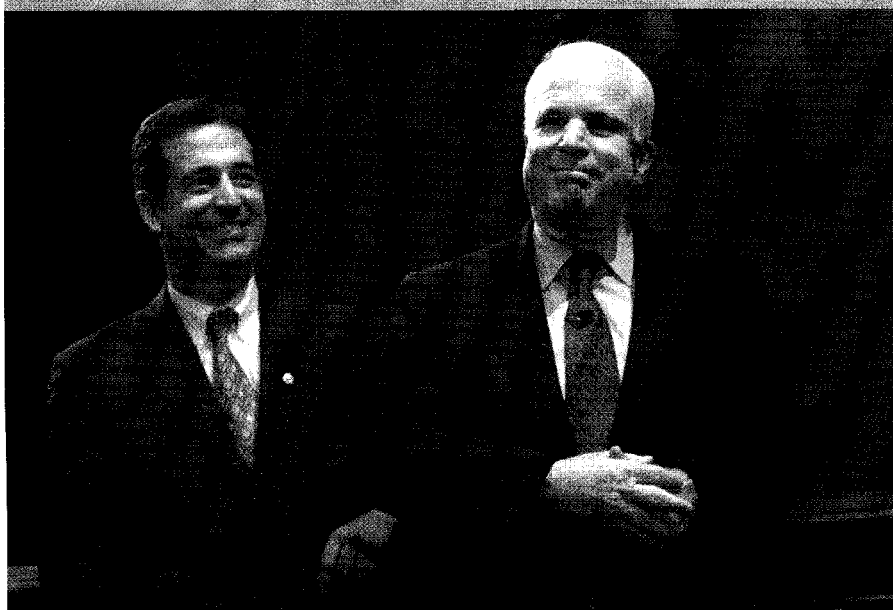
When *Anna and the King* was released, the Thai government smelled blood. Commenting on the banning of the film, officials took umbrage at the insinuation that Leonowens' influence enabled Chulalongkorn to preserve Thai independence, abolish slavery and push through other reforms. In a notice to its diplomatic and consular representatives, the Thai government wrote:

to do with historical inaccuracy than with ongoing Thai resentment of the successful yet “uncouth” Chinese immigrant-merchant class. No one wanted to see Thai royalty supping with the dinner utensils of greedy, lip-smacking Chinese.

Readers and filmgoers will be forgiven if all this sounds like a “who's the barbarian” roundelay. With *Suriyothai*, Thai nationalists are hoping to break into the realm of the civilized once and for all—although that intent is put to the test by the film's innumerable beheadings, scheming concubines, pox sores, jouncy breasts and, as *The King and I*'s monarch might have said, et cetera, et cetera, et cetera. Hidden in all the cinematic license is the tale of a queen who foils devious plots, gives up her true love and, in an elephant battle, her very life to save her country. As clumsily drawn as she is, this savvy Queen Suriyothai is almost refreshing after the tittering, sobbing Thai ladies of the Anna movies. Sadly, though, *Suriyothai* holds true to its royalist mission more than any feminist one, with the queen's sacrifice for her flabby figurehead of a husband. In



BOOKS



Author, author: Sens. Russell Feingold (D-Wis., left) and John McCain (R-Ariz.)

## Campaign Reform Boomerang

BY THOMAS BYRNE EDSALL

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REFORMERS AND THEIR ADVERSARIES, Democratic and Republican partisans, and editorial writers alike generally make the same error in thinking that campaign-finance reforms will produce predictable political change. In practice, altering the rules governing the financing of campaigns usually works to accelerate whatever trends are already taking place in the political system: Ascendant demographic groups, ideologies and special interests are usually best positioned to capitalize on new rules, while forces in decline often depend on existing institutions for survival.

For the past three and a half decades, the political forces most consistently on the ascendancy have been conservatism and the Republican Party. Both conservatives and the GOP have adapted well to the campaign-finance reforms of the Watergate era and appear to be thriving under the 2002 McCain-Feingold legislation. Indeed, McCain-Feingold has thus far dramatically strengthened

Republicans and weakened Democrats, just the opposite of what many of its advocates and opponents expected.

These two books by Mark Green and Jerrold E. Schneider raise legitimate and substantial questions concerning the corrupting role of private money in the financing of public elections. Both go on to make the dubious assertion, however, that adoption of a much broader system of public financing of campaigns would produce a major ideological shift to the left. For Schneider, who teaches political science at the University of Delaware, public financing would explicitly benefit the Democratic Party, which went into decline and moved to the right with the growing need, over the past 40 years, to buy television advertising time. In his view, "effective campaign finance reform" would strengthen not only the Democratic Party but also the economy because Democrats would no longer be pressed to accommodate special interests.

For Green, a former New York City public advocate and an unsuccessful candidate for mayor, money has also blocked enactment of a liberal agenda. "How can we produce smart defense, environmental and health policies if arms contractors, oil firms and HMOs have such a hammerlock over the committees charged with considering reforms?" he asks. "How can we adequately fund education and child care if special interests win special tax breaks that deplete public resources?"

In practice, the groups that Green is most concerned about, from the HMOs to the oil companies to the defense contractors, have become increasingly aligned with a Republican Party that is unambivalent in its advocacy of more military spending, tax cuts and deregulation. Green's analysis is far more applicable to the 1970s and '80s, when virtually every major interest group split donations almost evenly between the Democrats in control of Congress and the more ideologically compatible but weaker Republicans. The steady trend since the Republican takeover of Congress in 1994 has been toward a clearer ideological-partisan division among special-interest groups that arguably encourages clearer distinctions and voter choices between the two major parties and their candidates.

Conflicting conclusions can be drawn from these developments. Some proponents of campaign-finance reform argue that as the Democratic Party has come under pressure to raise ever larger amounts of money, it has abandoned its roots in the pursuit of corporate campaign contributions and is now paying the price of voicelessness in the face of Republican control of the House, Senate and White House. Others argue, however, that campaign money today pushes both parties toward a stronger allegiance to their core constituencies. On the Democratic side, candidates have increased their reliance on well-educated, culturally and socially liberal contributors, while the Democratic Party and its congressional incumbents have turned increasingly for support to labor unions, environmental groups, trial lawyers, reproductive and other rights activists, civil libertarians and Hollywood—opening up the prospect of renewed vigor as the party sheds its dependence on corporate America. Only time will deter-

mine the validity of these analyses.

The expectation that the Democrats would benefit from limits on campaign spending as well as on contributions rests upon the premise that Democrats are the party of the “have-nots” and that the GOP is the party of the “haves.” In practice, however, these traditional economic divisions have been weakening steadily. Beginning with the 1968 election, the strongest trend has been the defection from the Democratic Party of white working- and lower-middle-class voters in both the South and the North. More recently, beginning in the 1980s and gaining momentum throughout the ’90s, has been the rise in Democratic voting among well-educated and affluent white professionals. Past class divisions are being supplanted by educational attainment and by ethnic-, racial-, gender- and other rights interests—from gun

tion committees (PACs). Access to clients’ PAC money, in turn, has become an indispensable tool for many of the lobbyists who work Capitol Hill.

More recently, there has been the 2002 enactment of the McCain-Feingold bill, a measure both authors praise but view as too small a step. No serious attempt to sort out the ideological and partisan effects of McCain-Feingold can begin until the 2004 elections are complete. And the Supreme Court, which will soon hear arguments on the constitutionality of the bill, will almost certainly alter the measure.

Thus far, however, the consequences of McCain-Feingold have been strongly in favor of the Republican Party and particularly beneficial for the presidential campaign of George W. Bush. The major thrust of McCain-Feingold was to prohibit the national, senatorial

the Democratic National Committee’s \$18 million, a ratio of 3.3-to-1.

Schneider argues for a sharp reduction in the maximum an individual can contribute, from the current \$2,000 to a candidate and \$25,000 to a political party down to \$50—again, in theory, a cut that would be more painful to the GOP than to the Democrats. In practice, however, that is not the case. While the Federal Election Commission does not require separate reporting of \$50 and smaller contributions, it does provide a measure of donations under \$200, listed in the party reports as an unitemized lump sum. At this relatively low level, the Republican advantage is even greater, 3.7-to-1 in the case of the Republican National Committee and the Democratic National Committee, which, through May this year, had received \$31 million and \$8.4 million, respectively, in donations of less than \$200.

The Center for Responsive Politics in June of this year conducted a study of the partisan split of campaign contributions of all sizes in the 2001–2002 election cycle. There was one clear finding: The lower the level of contribution studied, the better the Republicans did. Among donors of \$1 million or more, the Democrats had a 12-to-1 advantage, \$48 million raised compared with \$4 million by the GOP. Among those giving between \$100,000 to \$999,999, the parties were virtually even, the Democrats raising \$40 million, the Republicans \$39 million. At all levels below \$100,000, the Republican Party had the edge, and that edge grew steadily as the contribution level declined. In other words, the large soft-money contributions now banned by McCain-Feingold had, in fact, functioned to lessen the Republican financial advantage.

Both Schneider and Green view McCain-Feingold as a first step toward reform, lacking the crucial element of substantial public financing. But this begs the question that must be addressed by proponents of campaign reform: If a little reform tilts politics to the right, what would a big reform do? In fact, the political consequences of tinkering with the campaign-finance regime are difficult to predict.

More importantly, the idea that campaign-finance reform will solve the problems of the Democratic Party and of liberalism avoids addressing the

## **McCain-Feingold has thus far boosted Republicans and weakened Democrats, just the opposite of what advocates and opponents expected.**

rights to reproductive rights to civil rights. In addition, religious conviction increasingly determines partisan identification: The more religiously observant a voter (as measured by church attendance), the more likely he or she is to cast a ballot for a Republican.

Both Green and Schneider make strong points, but blaming the troubles of the political left (or right) on the evils of campaign money is facile. The problems of the Democratic Party and of liberalism have emerged at a time of widespread economic and sociocultural upheaval, and the notion that a change in campaign-finance law by itself will correct those liabilities is fanciful.

In addition, the history of campaign-finance reform over the past quarter-century does not provide grounds for the two authors’ confident predictions of outcomes. The campaign-finance laws enacted in 1974 and 1976, during and immediately after Watergate, were highly successful in one respect: They increased the transparency of campaign financing. These same laws, however, encouraged the legal institutionalization of special-interest contributions by encouraging the creation of political ac-

and congressional parties from raising and spending “soft money”—the large contributions, often in excess of \$1 million, from corporations, unions and rich people. In theory, the soft-money prohibition would work against the interests of the GOP, the party of the wealthy and of corporate America.

In fact, the single area of campaign finance where the Democratic Party has achieved parity with the GOP has been in the now-banned mega-dollar, soft-money competition. In 2000 and 2002, the Democratic Party organizations raised, respectively, \$245.2 million and \$245.9 million in soft money, almost exactly what the Republican Party raised (\$249.9 million and \$250 million). In terms of smaller and still-legal “hard money” contributions, by contrast, the Republicans crushed the Democrats, raising a combined total of \$867.8 million to the Democrats’ \$495.4 million during 2000 and 2002. So far this year, with Republicans in full control of the federal government and with soft money banned, the disparity has grown even larger. Through June, the Republican National Committee had reported raising \$54.6 million, compared with



much more substantial problems facing Democrats today. These issues include dealing with the aftermath of the civil-, women's- and sexual-rights revolutions that together have fundamentally changed the meaning of liberalism and conservatism. In addition, Democrats must face the challenge of developing social policies that are effective and do not have negative repercussions in a global economy. Most Democratic and liberal initiatives on the domestic front—welfare spending, pro-union laws, environmental and workplace regulation—are premised on national, not global, economics. Global competition has imposed substantial competitive costs on these policies.

Finally, there has been a profound shift in the character of the money used to finance political campaigns. Driven in large part by an aggressive conservative movement and its allies in Congress, the major institutional sources of campaign money have increasingly abandoned what many liberal reformers view as a primary source of legalized corruption: the giving of money to everyone in office to win votes and loyalty regardless of party. At the core of both Schneider's and Green's arguments is the conviction that the seeking of support from corporate America has distorted the Democratic Party and its candidates. But the most important trend in campaign finance, especially in House and Senate elections, has been the steady abandonment of the Democratic Party and its candidates by major segments of corporate America.

Part of this trend results from the fact that the Democrats are out of power. But just as important is the reality that the Republican Party has become aggressively and unashamedly pro-business, welcoming votes on workplace deregulation, tort reform, energy policy and a host of other issues that demonstrate virtual unanimity on the Republican side of the aisle. These trends have been accelerated by the intense pressure on business contributors exercised by top Republican leaders of the House, especially Majority Leader Tom Delay (R-Texas), and by conservative strategist Grover Norquist, whose "K Street Project" has sought to force the hiring of Republicans to run the major trade associations and lobbying offices and to persuade these interests

to give the lion's share of their contributions to Republican candidates.

As a result, the trend in campaign contributions has been distinctly away from the "buying access" strategies of the 1970s, '80s and through much of the '90s to a clearer and more consistent ideological and partisan division of the special-interest community. Major segments of business—especially pharmaceuticals, mining, oil and gas, defense, commercial banking and accounting—have basically made a decision to back the GOP, with many other industries moving in that direction. The Democratic Party and its candidates are increasingly dependent on three core sources of money: unions, especially public-sector unions; trial lawyers; and Hollywood and the entertainment industry generally.

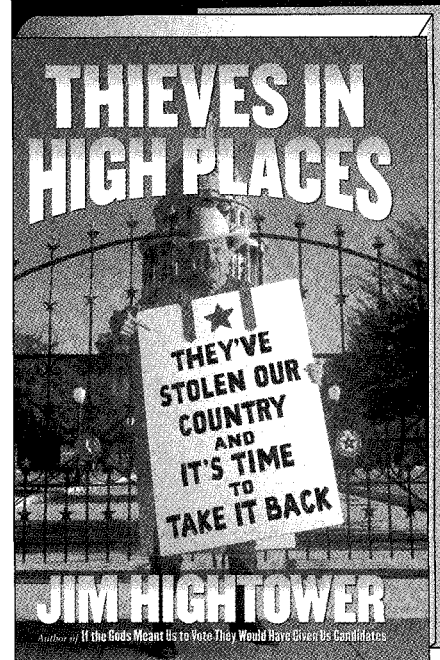
These contribution patterns may not represent the perfect solution to the problem of money in politics, but they do suggest that money has become more ideologically consistent. In many respects, the agendas of labor unions, trial lawyers and Hollywood coincide with the general agenda of the Democratic Party and do not violate fundamental party principles.

The same argument applies, at least in part, to the major sources of soft money. In the 2001–2002 election cycle, during which soft money was legal, eight of the top 10 soft-money donors were Democratic givers. Five of them were unions, giving from \$3.5 million (the American Federation of Teachers) to \$6.6 million (the American Federation of State, County and Municipal Employees). The other three donors were Haim and Cheryl Saban, \$9.3 million; Fred Eychaner, \$7.4 million; and Stephen L. Bing, \$6.7 million. This is fundamentally ideological and partisan money, contributions from men and women who have made fortunes, believe in a culturally and economically liberal and Democratic agenda, and are not seeking special favors. If anything, predominant Democratic views on capital-gains-tax rates, the estate tax and the top income-tax rate are adverse to such donors' own interests.

The future direction of campaign-finance law and regulation is uncertain, although prospects for the kind of public financing initiatives Schneider and Green propose are currently nil. The

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McCain-Feingold bill is the law of the land through the end of this year. The Supreme Court on Sept. 8 will hear arguments on the constitutionality of the measure, and the court is expected to rule toward the end of 2003 or early in 2004. Whatever it decides will govern campaign fund raising and spending until Congress acts again. Unless the court takes a step that sends both

parties into a tailspin—an unlikely prospect—there is very little likelihood of further congressional action in the near future. ■

THOMAS BYRNE EDSALL covers politics for The Washington Post. He is the author of *The New Politics of Inequality* and the co-author, with Mary Edsall, of *Chain Reaction*.

## BOOKS

# The Other Eye of the Beholder

BY ALEXANDER NEHAMAS

REGARDING THE PAIN OF OTHERS

BY SUSAN SONTAG • FARRAR, STRAUS AND GIROUX • 139 PAGES • \$20.00

"EVER SINCE CAMERAS WERE INVENTED in 1839, photography has kept company with death": Thirty years after the first of the essays eventually collected in *On Photography*, which was published in 1977, Susan Sontag is still troubled by the aesthetic, moral and political ambiguities of the medium. *Regarding the Pain of Others* is her erudite, subtle and provocative—though also tentative and sometimes inconclusive—meditation on the tensions inherent in photographs of war, death and devastation. Such pictures seem to multiply with every passing day. Does that make their horrors more palpable or less? Many are technically proficient; some are even beautiful. Does beauty celebrate violence and ferocity or does it simply entice a larger audience to confront them? They seem to establish a bond between viewer and victim. Does compassion incite us to fight injustice or does it permit us to feel innocent of it and impotent against it?

Photography is not the only visual medium to go hand in hand with death. Death has been the constant companion of all visual representation since its very beginnings. In the oldest historic work of art, a bronze palette from 3150 B.C., Menes, king of Upper Egypt, is about to crush an enemy's head with his mace and add the body to the mound of corpses lying at his feet. Unlike the painter's hand or the sculptor's arm, however, the camera is a machine. It registers physical traces of things. A photograph seems to be more than just

a representation because, somehow, the representation allows us to look through it and see its subject directly, as if it were literally before our eyes. A photograph is "a record of the real."

That is one reason pictures of pain and suffering are so unsettling: A photograph of starving mothers and their children in Biafra makes us feel, willy-nilly, that we are standing before them, at best unable and at worst unwilling to intervene. That is not to say that all pictures of horror have similar effects; ambiguity is inescapable. An image of dead civilians in the Middle East may draw me to the victims on humanitarian grounds or confirm your abhorrence of war, though to Israelis or Palestinians it may simply be proof of the other side's brutality. Sontag shows that context is critical to determining whom a photograph will outrage and whom it will delight. The same pictures of dead children, with different captions, served to denounce both Serb and Croat atrocities in the early 1990s. Still, photographs that appall present their own special problems.

Why, for example, is it so difficult to tear oneself away from them? In 1968, Gen. Nguyen Ngoc Loan executed a Vietcong suspect on a Saigon street. In a terrifying photograph—much more disturbing than the tape of the whole sequence—Eddie Adams captured the moment of the shooting. Contorted by pain, fear and the sheer force of the bullet that has just struck him, the pris-

oner's face also expresses a kind of sad resignation. It is the face of a man who knows that he has already died. Whenever I see it again (and I have seen it many times already), I find myself gazing at it intently, with a curiosity that is almost morbid. Although I am, to be sure, horrified, I also suspect that, as I study the man's face for a hint of what that moment feels like, part of me is glad that it is he who is dead and not I. (Plato showed that speaking of oneself as a collection of fragments is inevitable here.)

What does it say about me that I may find pleasure in another's death? And what does it say about us that I am not alone? Sontag, too, is disturbed by the photograph. "As for the viewer, this viewer," she confesses in the hesitating manner characteristic of this book, "even many years after the picture was taken ... well, one can gaze at these faces for a long time and not come to the end of the mystery, and the indecency, of such co-spectatorship." Averting our gaze is not the solution, she writes, as, "The gruesome invites us to be either spectators or cowards, unable to look."

Photographs of contemporary atrocities, at least, may provoke effective action. The purpose of looking at photographs of the past—such as the lynching souvenirs in James Allen's collection *Without Sanctuary*, published in 2000—is much more disputable. Old or new, however, no picture can speak for itself; neither the photographer's intention nor its visual content determines its meaning, purpose or effect. Adams' photograph (to his dismay) galvanized the anti-war movement, but only because the movement was already in place, ready to circulate its own interpretation. But where opponents of the war saw callous indifference in Gen. Loan's impassive profile, supporters of U.S. policy could discern stoic devotion to duty.

Despite being mute, pictures can still be manipulative. Some of the most famous war photographs, for example, turn out to have been staged. The Light Brigade never rode into the plain that Roger Fenton, the first war photographer, chose to depict in "The Valley of the Shadow of Death" (1855) and over which he carefully arranged the cannonballs that litter the landscape. Alexander Gardner's "The Home of a Rebel Sharpshooter, Gettysburg" (1863) is of an imaginary scene, created spe-



cially for the occasion. Some suspect that even Robert Capa's "Falling Soldier" (1936)—the model of "spontaneous" photography—may have been posed for the camera. Sontag doesn't find that surprising; what strikes her as odd is that "we are surprised to learn that they were staged, and always disappointed."

Actually, when photographs of contemporary events, which we might still affect, are at issue, we are more likely to be angry than disappointed—a staged picture is a kind of false advertising. It is when we discover that older photographs were staged that we are disappointed, especially if they are well known. Perhaps, then, we might begin to find an explanation in the relationship between photography and memory. Images, often provided in the first instance by photographs, are essential to memory. For example, the war in Bosnia is inseparable in my mind from an image of a Serb militiaman about to kick a Muslim woman lying on the ground—inseparable, that is, from Ron Haviv's 1992 photograph. If it turned out that Bosnian propaganda had staged the scene, I would be very angry (these are still recent events), but I would also have to ask: Would my feelings today be the same had the picture, and the turmoil it caused me, not been a factor in my life? My stand on the new Balkan wars? My political views? How can we help being disappointed with ourselves when we are made to see how easily we might have been somebody else?

Turning from viewer to victim, Sontag criticizes Sebastião Salgado's photographs—not, like most others, for being beautiful but for always leaving the powerless they represent nameless and so reducing them to their generic features, just as under the single heading "Migration" Salgado groups together different kinds of misery produced by different causes in different countries. His vast and abstract scale makes suffering seem almost natural and certainly too uniform and widespread to be affected by any specific political action. "All politics," however, "like all of history, is concrete." That's why, I think, Serajevans, as Sontag reports, would yell at photographers as the bombs fell around them, "Are you waiting for a shell to go off so you can photograph some corpses?" *Some corpses*. In anticipation, it seems as if it doesn't matter whose as long as there is

something to shoot; naming, if it comes at all, can only come later and is no consolation to the victim.

Sontag now rightly rejects the view, central to *On Photography*, that as images of violence and devastation proliferate, their horrors turn into mere spectacle and their viewers become inured to them. Her reasons are not clear, but she is convinced that exposure to these images does not dull their impact. They serve as reminders that "this is what human beings are capable of doing—may volunteer to do, enthusiastically, self-righteously. Don't forget." But Sontag, I think, is overlooking the fact that this is something pictures can

always room for the thought, "At least it is not happening to me," and, with it, for photography's questionable pleasures. To those who have felt them, these pleasures intimate that we can never be sure whose role we would play if we were to find ourselves in a world of real violence. Or, as Sontag writes about the ordinary people posing for snapshots with the charred bodies of their lynched victims in *Without Sanctuary*: "Maybe they were barbarians. Maybe *this* is what most barbarians look like. (They look like everybody else.)"

Although *Regarding the Pain of Others* is brimming with questions, its answers are few and seldom more defi-



Not even this shot spoke for itself.

do only if someone of her intelligence and sensibility lends them her voice. In the book's closing sections, the ambiguities of photography recede further and further into the background as looking is gradually transformed into "elective attention," "thinking" and, finally, "the function of the mind itself." At that point its guilty pleasures have also disappeared. Sontag writes, "There's nothing wrong with standing back and thinking, ... 'Nobody can think and hit someone at the same time.'"

Perhaps. But nobody can hurt and think at the same time, either. The only pain we can ever regard is necessarily the pain of others—most often remote and exotic others but sometimes also those whose only difference from us is in the pain they feel. In the distance that separates observer and observed there is

nite than this tentative statement, which is typical of the book as a whole and fitting to its equivocal subject. That has irritated some of the book's reviewers; to me it is one of its strengths. Looking at photographs of human horrors is, in many ways, inescapably ambiguous, and to pretend otherwise is either arrogant or complacent. Readers of Susan Sontag's record of honest perplexity will be a little more self-conscious as they read the morning newspaper or watch the evening news—not a mean feat if we agree with her, as we should, that all politics is concrete. ■

ALEXANDER NEHAMAS, a professor of philosophy and comparative literature at Princeton University, is the author of *The Art of Living*, *Nietzsche: Life as Literature* and *Virtues of Authenticity*.

# The Permanent Election

BY ROBERT B. REICH

One of the things that distinguishes advanced democracies from banana republics is that winners and losers accept the results of elections. Losing candidates and parties don't initiate coups. Winners don't kill off the losers and their supporters. The winning party

has an opportunity to govern. Both sides go back to their respective corners—winners take office, losers take other jobs—and wait until the next election to do battle again.

In recent years, however, U.S. politics has shifted somewhat away from this model toward more or less continuous battles. The first stage, which began several decades ago, was the "permanent campaign." Here, newly elected officials would almost immediately begin rounds of fund raising and media strategies designed to discourage potential rivals from entering the fray years hence. Potential rivals, for their parts, would begin almost at once to raise money and organize for the next election.

We are now, it seems, witnessing the next stage in our shift toward a banana republic form of government. Permanent campaigns are morphing into permanent elections. In the permanent election, rivals seek to reverse the decision of the majority of voters and unseat the victor as soon as they can. Unlike the permanent campaign, in which incumbents and rivals only act as if the next election were imminent, in the permanent election, the next election is in fact always imminent—or at least an imminent possibility.

**Exhibit One: Impeachment.** Bill Clinton's Republican opponents sought to reverse the election of 1992 almost as soon as Clinton came to Washington. Their carefully contrived plot, surveyed in Sidney Blumenthal's recent best-selling book, *The Clinton Wars*, culminated in an impeachment in the House, though not a conviction in the Senate, coupled with enormous pressure on the president to resign from office. To be sure, Clinton's liaison with Monica Lewinsky helped advance the Republicans' cause, but there can be no doubt that they sought his ouster from the start. And although the strategy failed to unseat Clinton, it created a climate that helped defeat Al Gore in 2000.

**Exhibit Two: Election re-engineering.** In the 2000 election, George W. Bush set out to overturn the will of a majority of American voters by rigging the voting system. It's by now well established that Florida officials purged from voter rolls thousands of people in the state who were guilty of nothing more than being black and likely to vote for Gore. Bush subsequently fought against a manual recount, taking his case all the way to the U.S. Supreme Court, where five of the nine justices, all Republican nominees, effectively ended it.

**Exhibit Three: California's recall petition.** Last fall's gubernatorial election may be undone on Oct. 7, when California voters return to the polls. The recall petition, signed by the requisite number of Californians, under the state constitution, is being used for the first time in California history to possibly unseat Gray Davis and substitute one of more than a hundred contenders.

In the permanent election, constitutional procedures—impeachment, Supreme Court intervention and state recall—designed to be used only in rare and extraordinary circumstances are used instead as political tools to reverse elections. In none of these recent instances did the original winner commit such wrongful acts that a large majority of the electorate clearly demanded the use of such emergency measures. Instead, rivals initiated them for unambiguously partisan purposes.

What's wrong with permanent elections? First, their outcomes are potentially undemocratic. A relatively small minority of California voters may determine the state's next governor. Only a minority of American voters in 2000 wanted George W. to be our president. Most Americans didn't want Bill Clinton thrown out of office for lying about sex.

Permanent elections are also, literally, unsettling. A nation requires periods of government stability and continuity during which citizens can count on certain people being held accountable for a time. But under a system of permanent elections, everything is up for grabs, all the time. Nothing is ever final because an election may be overturned at any time.

Finally, permanent elections may distort elected officials' decision making. Officeholders cannot run the risk of taking even temporarily unpopular positions, in the hope they will be considered wise by election time, because an unpopular position might itself trigger an election.

It's too early to tell whether permanent elections will become a permanent aspect of American politics, but the ease with which rivals have been able to summon impeachment resolutions, Supreme Court interventions and recalls suggests they may. The fact that each of these initiatives was largely successful—the Clinton impeachment weakened Clinton and hurt Gore, the re-engineering of the 2000 election made W. president, the California recall is likely to end Gray Davis' governorship—adds significantly to their allure and legitimizes their use for next time. ■





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